

**Policy Committee  
Government Center Complex  
Large Conference Room, Building A**

**September 1, 2011 - 4:00 p.m.**

**A. Roll Call**

**B. Minutes**

July 18, 2011

July 13, 2011

**C. Old Business**

**D. New Business**

1. Residential Use Districts

2. Multi-Use Districts

**E. Adjournment**

## MEMORANDUM

DATE: August 30, 2011  
TO: Policy Committee  
FROM: Ellen Cook, Senior Planner II  
SUBJECT: Revisions to the R-1, R-2, and R-5 Districts

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Staff presented a framework for revisions to the Residential Districts to the Policy Committee in February 2011. Staff's memo noted that a number of "housekeeping" items would be brought forward for Policy Committee consideration. This memo and the attached revised ordinances deal with these changes, as well as inclusion of certain commercial uses in these districts as was suggested by the Policy Committee during Stage 1. Residential district materials were provided to the Board of Supervisors for its March and April 2011 work sessions at which time Board members discussed re-examining the development density calculations. For the R-5 district, staff has adjusted the development density provisions and made an adjustment to the percentage of nondevelopable land (from 35% to 25%) that triggers use of the density formula approach, as was also done in the draft Cluster Overlay District (reviewed by the Policy Committee on July 18, 2011).

### Changes that were made to both the R-1 Limited Residential District and the R-2 General Residential Districts

- Coordinated the density bonus system for obtaining a density of more than one, but no more than two units per acre, with the Cluster Overlay District. The method of calculating density (based solely on the gross area of the site), was not proposed to be changed.
- Generally coordinated open space, ownership of open space, and buffer requirements sections with the Cluster Overlay District. Added park and playground numerical and design standard requirements which are consistent with the Parks and Recreation Master Plan guidelines for these items.

### Changes that were made to both the R-2 General Residential Districts and the R-5 Multifamily Residential District

- During Stage 1, the Policy Committee suggested consideration of some commercial uses in the residential districts. Staff has added select commercial uses as specially permitted uses.

### Changes made only to the R-5 Multifamily Residential District

- Changed the permitted uses to include only multifamily dwellings containing more than four dwelling units. Deleted the area, minimum lot width and yard requirements that had applied to the single family dwellings and the multifamily dwellings of two, three and four units which had previously been permitted or specially permitted. This change is to emphasize the use of this district for developments of a higher density, which is consistent with the Comprehensive Plan.
- Changed the right-of-way buffer requirement to match the R-1 and R-2 districts (150' for Community Character Corridors and 75' for non-CCC roads, while providing for waivers if appropriate). The perimeter setbacks were retained, but classified as "perimeter buffers" and consolidated into a table.
- Adjusted the development density provisions and made an adjustment to the percentage of nondevelopable land (from 35% to 25%) that triggers use of the density formula approach, as was also done in the draft Cluster Overlay District.
- Changed the density bonus items to match density bonus items available in the Cluster Overlay District.
- Changed the open space requirement language from 35% of the gross area of the site to 10% of the net

- developable area. The open space language was generally revised to mirror R-1 and R-2.
- The private yards requirement in Section 24-311 was deleted to provide flexibility. The drainage facilities requirement in the same section was also deleted since these requirements are listed in the Site Plan section of the ordinance (and included elsewhere in the County Code).

Changes made in all three districts

- Match residential unit terminology between districts to consistently use single family, multifamily dwelling, and apartments.
- A new section that references meeting Pedestrian Accommodation requirements was added.
- In the permitted use lists, the term “houses of worship” has been replaced with “places of public assembly.” This broader term could include uses such as lodges and civic organizations.

Staff requests the Policy Committee offer comment on the draft ordinance prior to the Board of Supervisors work session in October.

Attachments

1. Revised R-1 Ordinance
2. Revised R-2 Ordinance
3. Revised R-5 Ordinance

**Chapter 24**  
**ARTICLE V. DISTRICTS**  
**DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1**

**Sec. 24-231. Statement of intent.**

The Limited Residential District, R-1, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to ~~prohibit all limit~~ activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and generally permitted uses are limited to single-family dwellings, plus certain additional community-oriented uses that serve the residents of this district.

**Sec. 24-232. Permitted uses.**

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Accessory apartments in accordance with Section 24-32		SUP
	Home care facilities		SUP
	<del>Residential cluster development</del> <i>Single-family detached dwellings</i> in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with Section 24-234(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one unit per acre in accordance with section 24-234(c)		SUP
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Child day care centers		SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by section 24-53	P	
	Rental of rooms to a maximum of three rooms		SUP
	Retail shops and food service establishments <del>accessory to associated with</del> community recreation facilities		SUP
			SUP
Civic	Cemeteries and memorial gardens		SUP
	<del>Places of public assembly</del> <i>Houses of worship</i>		SUP
	Libraries		SUP
	Neighborhood resource centers		SUP

	Publically owned solid waste container sites		SUP
	Schools		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more		SUP
Utility	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	<ul style="list-style-type: none"> <li>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</li> <li>(b) Distribution lines and local facilities within a development, including pump stations</li> </ul>		

Open

Timbering in accordance with section 24-43

P

~~Accessory buildings or structures as defined.~~

~~Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.~~

~~Home occupations as defined.~~

~~Off street parking as required by section 24-53.~~

~~Single family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-234(a).~~

~~Timbering in accordance with section 24-43.~~

~~Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

~~Sec. 24-233. Uses permitted by special use permit only.~~

~~In the Limited Residential District, R-1, buildings, to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:~~

~~Accessory apartments in accordance with section 24-32.~~

~~Adult day care centers.~~

~~Cemeteries and memorial gardens.~~

~~Child day care centers.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.  
Fire stations.~~

~~Golf courses, country clubs.~~

~~Home care facilities.~~

~~Houses of worship.~~

~~Libraries.~~

~~Neighborhood resource centers.~~

~~Publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways~~

~~and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Residential cluster development in accordance with article VI, division 1 of this chapter.~~

~~Retail shops and food service establishments associated with community recreation facilities.~~

~~Schools.~~

~~Single family detached dwellings with a maximum gross density of more than one unit per acre in accordance with section 24-234(e).~~

~~Telephone exchanges and telephone switching stations.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:~~

- ~~(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~
- ~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more.~~

#### **Sec. 24-234. Overall density within subdivisions.**

(a) All subdivisions shall have a maximum gross density of one unit per acre, except for minor subdivisions ~~as defined below~~. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-235.

~~(b) For the purposes of this section, the term minor subdivisions shall be defined as a division of a tract of land into not more than five lots abutting an existing public road within the transportation department road system and which does not create a new street or extend an existing street. Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements.\*~~

(\*Note: Moved to the definitions section.)

(be) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum gross density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan or otherwise for at least two points as specified in the density bonus item options table in Section 24-549 of this chapter. the following:

- (1) ~~Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy.~~

~~(2) Implementation of the countys Archaeological Policy.~~

~~(3) Provision of sidewalks on at least one side of all internal streets in the development, including the entrance road. This requirement may be waived by the planning commission if the development is infill development of less than 20 units where sidewalks do not exist and are not planned on adjacent property. In addition, a sidewalk shall be provided as required in section 24-35.~~

~~(4) Provision of recreation facilities as recommended in the countys Comprehensive Parks and Recreation Master Recreation Plan. Upon application for an exception, the Board of Supervisors may approve alternate facilities or allow cash contributions in lieu of constructing a percentage of the facilities provided that the alternate facilities or cash contributions are consistent with the recommendations and contributions per unit presented in the master plan.~~

~~(5) Implementation of the countys Natural Resources Policy.~~

**Sec. 24-235. Area requirements.**

(a) *Public water/sewage disposal.* Lots served by public water and public sewage disposal systems shall have a minimum area of 15,000 square feet.

(b) *Public sewage disposal only.* Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 17,500 square feet.

(c) *Public water distribution only.* Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet.

(d) *Individual water/sewage disposal.* Lots served by individual water and sewage disposal systems shall have a minimum area of 30,000 square feet.

(e) *Applicability to certain lots.* These minimum sizes shall not apply to lots of less than 15,000 square feet recorded or legally in existence prior to April 8, 1985.

**Sec. 24-236. Setback requirements.**

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line"; all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines.

**Sec. 24-237. Minimum lot width.**

(a) Lots of up to and including 43,560 square feet shall have a minimum width at the setback line of 100 feet.

(b) Lots of more than 43,560 square feet shall have a minimum width at the setback line of 150 feet.

**Sec. 24-238. Yard requirements regulations.**

(a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

(b) *Rear.* Each main structure shall have a minimum rear yard of 35 feet. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

**Sec. 24-239. Special provisions for corner lots.**

(a) The front of the lot shall be deemed to be the shorter of the two sides fronting on streets.

(b) No structure shall be located closer than 35 feet to the side street.

(c) Each corner lot shall have a minimum width at the setback line of 125 feet.

**Sec. 24-240. Height limits.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

(1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennae and home radio aerials and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

a. Such structure will not obstruct light to adjacent property;

b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

c. Such structure will not impair property values in the surrounding area;

d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

e. Such structure will not be contrary to the public health, safety and general welfare.

**Sec. 24-241. Sign regulations.**

To assure an appearance and condition which is consistent with the purposes of the Limited Residential District, R-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

**Sec. 24-242. Open space within major subdivisions.**

*Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.*

*(a) Non-developable areas shall be maintained as open space and shall not be included on any private lot, except that areas with slopes of 25 percent or more contiguous to the non-developable area may be incorporated into individual lots provided the sloped areas are placed in conservation easements dedicated to the county and approved by the county attorney.*

*(b) In addition, ten percent of the developable area of the site shall also be set aside as open space.*

*1. The developable area open space may include, but is not limited to:*

*a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;*

- b. Area(s) for which a density bonus is also being proposed, as listed in Section X (i.e. wildlife habitat corridors, watershed management plan conservation areas, etc.);
- c. The following areas, up to the percent specified
  - i. Required right-of-way and perimeter buffers – cannot exceed 50% of the developable open space required
  - ii. Stormwater management facilities – cannot exceed 20% of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures)

(c) For the purpose of meeting the developable open space requirements specified in (b), open space area may not include:

- 1. Area on any individual private lots or yards, with the exception of easements for streetscapes
- 2. Land within public road rights-of-way and utility or drainage easements

(d) In meeting the developable area open space requirements specified in (b), open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for the entire development. At a minimum, the open space shall adhere to the following standards:

Item	Numerical Standard	Design Standard
Neighborhood Park	50 – 77 Units: Provide 1 park (minimum of 0.3 acres)  78+ Units: Provide 0.0039 acres per unit	Parkland should be centrally located, with no less than 0.25 acres in a single piece and with a minimum width of 60 ft. The parkland should be relatively level non-floodplain land outside the RPA, minimum 70% groomed space and the balance may be in natural tree cover.
Playground	Provide 1 playground	The playground should have a minimum area of 2,500 square feet and have a minimum of five activities.

~~(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for recreation or conservation and recreation purposes. The amount of such open space shall not be less than ten percent of the net developable area of the site. The developable area of right of way buffers and perimeter buffers may be counted as open space for the purpose of meeting this requirement to a maximum of 50 percent of the required open space.~~

~~(b) In addition, all nondevelopable area consisting of all stream beds, areas subject to flooding under the 100 year storm event, and wetlands shall be maintained as open space. Areas with slopes of 25 percent or more which are contiguous to the above mentioned areas may be incorporated into individual lots provided that the sloped areas are placed in conservation easements approved by the county attorney.~~

~~(c) Before accepting the open space as meeting the requirements of paragraph (a) of this section, the planning commission shall find that:~~

~~(1) No land lying within a proposed or existing road right of way, utility easement or drainage facility is counted toward the minimum open space requirement; and~~

~~(2) The land is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for the entire development and served with adequate facilities for such purpose; and~~  
~~(3) No part of a private yard or area determined by the planning director to be a part thereof, with the exception of easements for streetscapes, shall be counted as meeting the open space requirements of this chapter; and~~

~~(4) No more than 50 percent of the required open space shall be used for active recreational uses.~~

~~(d) Evidence shall be given that satisfactory arrangements will be made for the perpetual preservation of designated open space areas to relieve the county of any obligation to maintain.~~

**Sec. 24-243. Ownership of open space. Establishment of homeowners association**

*A homeowners association shall be established in accordance with Section 19-68 of the Subdivision Ordinance.*

~~Within any residential development approved under this article on which a tract is intended to be used in common for recreational or other public or semipublic purposes, no lot shall be approved, recorded, sold or used within the development until a declaration of covenants and restrictions or other document necessary to establishing a mandatory permanent home owners organization has been approved by the county attorney and has been executed. Such documents shall set forth the following:~~

~~(1) The nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the county; and the method of assessing the individual property for its share of the cost of adequately administering and maintaining and replacing such common property; and~~

~~(2) The extent of common interest held by the owner of each individual parcel in the tract held in common.~~

*The homeowner's association documents shall set forth the nature (recreation or conservation) and location of the open space(s) in the manner described on the master plan, either through illustration or through incorporation by reference of the development's master plan and/or plan of development. The documents shall generally describe the use and maintenance standards necessary to adhere to the nature of the open space(s) as shown on the development's master plan and/or plan of development.*

**Sec. 24-244. BMP requirements.**

To assure an appearance and condition which is consistent with the purpose of the Limited Residential District, R-1, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

**Sec. 24-245. Buffer requirements.**

(a) *Right-of-way buffer.* Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:

- (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- ~~(3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented~~

~~with additional plantings to achieve the planting ratio stated above.~~ *The buffer shall be planted in accordance with Section 24-XX, General landscape area standards, and buffers along Community Character Corridor roads shall also adhere to the Community Character Corridor Buffer Designation Map and Buffer Treatment Guidelines.*

(b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-94(a)XX of this chapter.

(c) *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning ~~director~~ ~~commission~~ may reduce the buffer depth requirements *specified in (a) and (b)* of this section for residential developments when:

- (1) The development is less than ~~five~~ ~~ten~~ acres and a majority of the development's units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning ~~director~~ ~~commission~~ may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) *Modifications to the landscape requirements.* The planning ~~director~~ ~~commission~~ may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) *Requirements for buffers.* All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning ~~director~~ ~~commission~~ under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.
- (6) *Stockpiling shall conform with any applicable requirements of the Virginia Erosion and Sediment Control regulations, the Virginia Erosion and Sediment Control Handbook and County Erosion and Sediment Control program policies.*

(f) *Limitations on buffers.* ~~Wet ponds, dry detention basins, and other~~ ~~Structural BMPs~~ ~~such as wet and dry ponds~~ shall not generally be permitted in the buffers, except that the planning ~~director~~ ~~commission~~ may approve them under the following circumstances:

- (1) The need is necessitated by site conditions rather than economic factors; and
- (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) *Improvements allowable within buffers.* An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning ~~director~~ ~~commission~~. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon ~~the recommendation of the environmental director and~~ the approval of the planning ~~director~~ ~~commission~~.

(h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning ~~director~~ ~~commission~~.

(i) *Appeals.* *In the event the planning director disapproves of the items specified in (c), (e), (f), (g), and (h) above or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in the planning division's fee schedule.*

***Sec. 24-246. Pedestrian Accommodation.***

*Pedestrian accommodations shall be provided in accordance with Section 24-35.*

**Secs. 24-2468 - 24-250. Reserved.**

**Chapter 24**  
**ARTICLE V. DISTRICTS**  
**DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2**

**Sec. 24-251. Statement of intent.**

The General Residential District, R-2, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to ~~limit prohibit all~~ activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and permitted uses are limited to dwellings designed to be occupied by one family or more than one family under certain conditions plus certain additional community-oriented uses that serve the residents of the district.

**Sec. 24-252. Permitted uses.**

In the General Residential District, R-2, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Accessory apartments in accordance with Section 24-32	P	
	<del>Five to eight family dwellings</del> <i>Multifamily dwellings of between five and eight units</i> , contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter <del>provided that the overall density does not exceed the permitted density in the previously approved master plan or the James City County Comprehensive Plan</del>		SUP
	<del>Four family dwellings</del> <i>Multifamily dwellings, up to and including four units</i> , contained within residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter	P	
	<del>Four family dwellings</del> <i>Multifamily dwellings, up to and including four units</i> , contained within residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Home care facilities		SUP
	<del>Residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter</del>	P	

	<del>Residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter</del>		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, <i>either</i> <ul style="list-style-type: none"> <li>• in accordance with Section 24-254(a), or</li> <li>• <i>in accordance with article VI, division 1 of this chapter</i></li> </ul>	P	
	Single-family detached dwellings with a maximum gross density of more than one unit per acre, <i>either</i> <ul style="list-style-type: none"> <li>• in accordance with section 24-254(c) or</li> <li>• <i>in accordance with article VI, division 1 of this chapter</i></li> </ul>		SUP
	<del>Three family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter</del>	P	
	<del>Three family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter</del>		SUP
	Multifamily <i>dwellings</i> up to two units, in accordance with section 24-25460		SUP
	<del>Two family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter</del>	P	
	<del>Two family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter</del>		SUP
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	<i>Barber and beauty shops</i>		SUP
	<i>Business, governmental and professional offices</i>		SUP
	Child day care centers		SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by section 24-53	P	
	<i>Photography studios and sales, artist and sculptor studios</i>		SUP
	Rental of rooms to a maximum of three rooms		SUP
	Retail shops <i>accessory to associated with</i> community recreation facilities		SUP
	<i>Tourist home</i>		SUP
Civic	Cemeteries and memorial gardens		SUP

	<del>Places of public assembly</del> Houses of worship		SUP
	Libraries		SUP
	Neighborhood resource centers		SUP
	Publicly owned solid waste container sites		SUP
	Schools		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more		SUP
Utility	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:  (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional		SUP

	connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering in accordance with section 24-43	P	

~~Accessory apartments in accordance with section 24-32.~~

~~Accessory buildings or structures as defined.~~

~~Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.~~

~~Four family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Home occupations, as defined.~~

~~Off street parking as required by section 24-53.~~

~~Residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Retail shops associated with community recreation facilities.~~

~~Single family detached dwellings with a maximum gross density of one unit per acre in accordance with section 24-254(a).~~

~~Three family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Timbering in accordance with section 24-43.~~

~~Two family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

**Sec. 24-253. Uses permitted by special use permit only.**

In the General Residential District, R-2, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:

~~Adult day care centers.~~

~~Cemeteries and memorial gardens.~~

~~Child day care centers.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Fire stations.~~

~~Five to eight family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter provided that the overall density does not exceed the permitted density in the previously approved master plan or the James City County Comprehensive Plan.~~

~~Four family dwellings contained within a residential cluster development with a gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Golf courses, country clubs.~~

~~Home care facilities.~~

~~Houses of worship.~~

~~Libraries.~~

~~Neighborhood resource centers.~~

~~Publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Schools.~~

~~Single family detached dwellings with a maximum gross density of more than one unit per acre in accordance with section 24-254(e).~~

~~Telephone exchanges and telephone switching stations.~~

~~Three family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Two family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.~~

~~Two family dwellings in accordance with section 24-254.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:~~

- ~~(a) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~
- ~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 50 acres or more and a dam height of 25 feet or more.~~

#### **Sec. 24-254. Overall density within subdivisions.**

(a) All subdivisions shall have a maximum gross density of one unit per acre, except for minor subdivision ~~as defined below~~. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

~~(b) For the purposes of this section, the term minor subdivision shall be defined as a division of a tract of land into not more than five lots abutting an existing public road within the transportation department road system and which does not create a new street or extend an existing street. Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements of a major subdivision.\*~~

(\*Note: Moved to the definitions section.)

~~(be) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum gross density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan or otherwise for *at least two points as specified in the density bonus item options table in Section 24-549 of this chapter*.~~  
the following:

~~(1) Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy.~~

~~(2) Implementation of the countys Archaeological Policy.~~

~~(3) Provision of sidewalks on at least one side of all internal streets in the development, including the entrance road. This requirement may be waived by the planning commission if the development is infill development of less than 20 units where sidewalks do not exist and are not planned on adjacent property. In addition, a sidewalk shall be provided as required in section 24-35.~~

~~(4) Provision of recreation facilities as recommended in the countys Comprehensive Parks and Recreation Master Recreation Plan. Upon application for an exception, the Board of Supervisors may approve alternate facilities or allow cash contributions in lieu of constructing a percentage of the facilities provided that the alternate facilities or cash contributions are consistent with the recommendations and contributions per unit presented in the master plan.~~

~~(5) Implementation of the countys Natural Resources Policy.~~

#### **Sec. 24-255. Area requirements.**

(a) *Public water/sewage disposal.* Lots served by public water and public sewage disposal systems shall have a minimum area of 10,000 square feet.

(b) *Public sewage disposal only.* Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 12,000 square feet.

- (c) *Public water distribution only.* Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet.
- (d) *Individual water/sewage disposal.* Lots served by individual water and sewage disposal system shall have a minimum area of 30,000 square feet.
- (e) *Applicability to certain lots.* These minimum sizes shall not apply to lots of less than 12,000 square feet recorded or legally in existence prior to April 8, 1985.

**Sec. 24-256. Setback requirements.**

Structures shall be located a minimum of 25 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 50 feet from the centerline of the street. This shall be known as the "setback line"; all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines. Off-street parking shall not be permitted within the required setbacks, except that parking spaces for single-family and two-family dwellings may be located within the required setback.

**Sec. 24-257. Minimum lot width.**

- (a) Lots of less than 20,000 square feet shall have a minimum width at the setback line of 75 feet.
- (b) Lots of 20,000 square feet to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
- (c) Lots of more than 43,560 square feet shall have a minimum width at the setback line of 150 feet.

**Sec. 24-258. Yard ~~requirements~~ regulations.**

- (a) *Side.* The minimum side yard for each main structure shall be ten feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of ten feet.
- (b) *Rear.* Each main structure shall have a minimum rear yard of 35 feet. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of ten feet.

**Sec. 24-259. Special provisions for corner lots.**

- (a) The front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 25 feet to the side street.
- (c) Each corner lot shall have a minimum width at the setback line of 100 feet.

**Sec. 24-260. Special provisions for multifamily up to two units.**

- (a) Lots intended for multifamily up to two units shall be:
  - (1) Served by a public water system;
  - (2) Served by a public sewer system;
  - (3) Required to have a minimum lot size of 15,000 square feet.
  - (4) Required to meet all other requirements of this district.
- (b) In addition to the above requirements, when each dwelling unit is on an individual lot, each individual lot shall:
  - (1) Have a minimum lot size of 7,500 square feet;
  - (2) Have a minimum lot width of 40 feet; and
  - (3) Have no minimum side yard requirement on the common side lot line.
- (c) Upon application, the board of supervisors may grant a waiver from the public sewer connection requirement referenced above upon finding:
  - (1) The development site is a single lot recorded or legally in existence prior to the date of adoption of this section; and

- (2) The State Health Department has approved the location and adequacy of the proposed septic drainfields; and
- (3) The proposed multifamily units are located in the Primary Service Area and is in accord with the James City Service Authority Regulations Governing Utility Service.

**Sec. 24-261. Height limits.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

(1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.

(4) No accessory building which is within ten feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and the accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height.

**Sec. 24-262. Sign regulations.**

To assure an appearance and condition which is consistent with the purpose of the General Residential District, R-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

**Sec. 24-263. Open space within major subdivisions.**

*Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.*

(a) Non-developable areas shall be maintained as open space and shall not be included on any private lot, except that areas with slopes of 25 percent or more contiguous to the non-developable areas may be incorporated into individual lots provided the sloped areas are placed in conservation easements approved by the county attorney.

(b) In addition, fifteen percent of the developable area of the site shall also be set aside as open space.

1. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet County policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Area(s) for which a density bonus is also being proposed, as listed in Section 24-254 (i.e. wildlife habitat corridors, watershed management plan conservation areas, etc.);
- c. The following areas, up to the percent specified
  - i. Required right-of-way and perimeter buffers – cannot exceed 50% of the developable open space required
  - ii. Stormwater management facilities – cannot exceed 20% of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures)

(c) For the purpose of meeting the developable open space requirements specified in (b), open space area may not include:

- 1. Area on any individual private lots or yards, with the exception of easements for streetscapes
- 2. Land within public road rights-of-way and utility or drainage easements

(d) In meeting the developable area open space requirements specified in (b), open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for the entire development. At a minimum, the open space shall adhere to the following standards:

Item	Numerical Standard	Design Standard
Neighborhood Park	50 – 77 Units: Provide 1 park (minimum of 0.3 acres)  78+ Units: Provide 0.0039 acres per unit	Parkland should be centrally located, with no less than 0.25 acres in a single piece and with a minimum width of 60 ft. The parkland should be relatively level non-floodplain land outside the RPA, minimum 70% groomed space and the balance may be in natural tree cover.
Playground	Provide 1 playground	The playground should have a minimum area of 2,500 square feet and have a minimum of five activities.

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for recreation or conservation and recreation purposes. The amount of such open space shall not be less than fifteen percent of the net developable area of the site. The developable area of right of way buffers and perimeter buffers may be counted as open space for the purpose of meeting this requirement to a maximum of 50 percent of the required open space.

~~(b) In addition, all nondevelopable area consisting of all stream beds, areas subject to flooding under the 100-year storm event, and wetlands shall be maintained as open space. Areas with slopes of 25 percent or more which are contiguous to the above mentioned areas may be incorporated into individual lots provided that the sloped areas are placed in conservation easements approved by the county attorney.~~

~~(c) Before accepting the open space as meeting the requirements of paragraph (a) of this section, the planning commission shall find that:~~

~~(1) No land lying within a proposed or existing road right of way, utility easement or drainage facility is counted toward the minimum open space requirement; and~~

~~(2) The land is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for the entire development and served with adequate facilities for such purpose; and~~

~~(3) No part of a private yard or area determined by the planning director to be a part thereof, with the exception of easements for streetscapes, shall be counted as meeting the open space requirements of this chapter; and~~

~~(4) No more than 50 percent of the required open space shall be used for active recreational uses.~~

~~(d) Evidence shall be given that satisfactory arrangements will be made for the perpetual preservation of designated open space areas to relieve the county of any obligation to maintain.~~

#### **Sec. 24-264. Ownership of open space.**

~~*A homeowners association shall be established in accordance with Section 19-68 of the Subdivision Ordinance.*~~

~~Within any residential development approved under this article on which a tract is intended to be used in common for recreational or other public or semipublic purposes, no lot shall be approved, recorded, sold or used within the development until a declaration of covenants and restrictions or other document necessary to establishing a mandatory permanent home owners organization has been approved by the county attorney and has been executed. Such documents shall set forth the following:~~

~~(1) The nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the county; and the method of assessing the individual property for its share of the cost of adequately administering and maintaining and replacing such common property; and~~

~~(2) The extent of common interest held by the owner of each individual parcel in the tract held in common.~~

~~*The homeowner's association documents shall set forth the nature (recreation or conservation) and location of the open space(s) in the manner described on the master plan, either through illustration or through incorporation by reference of the development's master plan and/or plan of development. The documents shall generally describe the use and maintenance standards necessary to adhere to the nature of the open space(s) as shown on the development's master plan and/or plan of development.*~~

#### **Sec. 24-265. BMP requirements.**

To assure an appearance and condition which is consistent with the purpose of the General Residential District, R-2, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

#### **Sec. 24-266. Buffer requirements.**

(a) *Right-of-way buffer.* Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:

- (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (3) ~~If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above. The buffer shall be planted in accordance with Section 24-XX, General landscape area standards, and buffers along Community Character Corridor roads shall also adhere to the Community Character Corridor Buffer Designation Map and Buffer Treatment Guidelines.~~

(b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-94(a)XX of this chapter.

(c) *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning ~~director~~ ~~commission~~ may reduce the buffer depth requirements *specified in (a) and (b)* of this section for residential developments when:

- (1) The development is less than ~~five~~ *ten* acres and a majority of the development's units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning ~~director~~ ~~commission~~ may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) *Modifications to the landscape requirements.* The planning ~~director~~ ~~commission~~ may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) *Requirements for buffers.* All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning ~~director~~ ~~commission~~ under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.

(5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(6) *Stockpiling shall conform with any applicable requirements of the Virginia Erosion and Sediment Control regulations, the Virginia Erosion and Sediment Control Handbook and County Erosion and Sediment Control program policies.*

(f) *Limitations on buffers. Wet ponds, dry detention basins, and other structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director or commission may approve them under the following circumstances:*

(1) The need is necessitated by site conditions rather than economic factors; and

(2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) *Improvements allowable within buffers.* An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director or commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning director or commission.

(h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director or commission.

(i) *Appeals. In the event the planning director disapproves of the items specified in (c), (e), (f), (g), and (h) above or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in the planning division's fee schedule.*

**Sec. 24-267. Pedestrian Accommodation.**

*Pedestrian accommodations shall be provided in accordance with Section 24-35.*

**Secs. 24-267 - 24-273. Reserved.**

**Chapter 24**  
**ARTICLE V. DISTRICTS**  
**DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5**

**Sec. 24-304. Statement of intent.**

The Multifamily Residential District, R-5, is composed of moderate to high-density residential areas and other such areas where similar development is likely to occur. It is the purpose of this district to provide for a harmonious and orderly relationship between multifamily residential uses and lower-density residential uses or nonresidential uses. A further purpose is to require that development within this district be adequately served by public facilities, that adequate open space and recreational areas be provided for the use of residents and for buffering of adjoining property and to implement the policies and designations of the Comprehensive Plan.

**Sec. 24-305. Permitted uses.**

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit or for sale in condominium:

Use Category	Use List	Permitted Uses	Special Permit Uses	
Residential Uses	Accessory buildings or structures as defined	P		
	Accessory apartments in accordance with Section 24-32	P		
	Apartments	P		
	<del>Five to eight family dwellings contained within a residential cluster development provided that the overall density does not exceed the permitted density in the previously approved master plan or the James City County Comprehensive Plan</del>			SUP
	Home care facilities			SUP
	<del>Multifamily dwellings containing more than four dwelling units</del>	P		
	Nursing homes and facilities for the residence and/or care of the aged			SUP
	<del>Residential cluster developments in accordance with article VI, division 1 of this chapter</del>	P		
	<del>Single family dwellings contained within a cluster development in accordance with article VI, division 1 of this chapter</del>	P		
	Single family dwellings			SUP
	Three family and four family dwellings	P		
	Townhouses	P		
	Two family dwellings	P		
Commercial Uses	Accessory buildings or structures as defined	P		
	Adult day care centers	P		
	<del>Barber and beauty shops</del>			SUP
	Child day care centers	P		
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P		
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P		
	Golf courses, country clubs			SUP

	<i>Business, Professional, and Governmental offices</i>		SUP
	<i>Home occupations, as defined</i>	P	
	Hospitals and rest homes		SUP
	<del>Lodges, civic clubs, fraternal organizations, service clubs</del>		SUP
	Marina, boat dock or waterfront recreation facilities	P	
	Off-street parking as required by section 24-53	P	
	<i>Photography studios and sales, artist and sculptor studios</i>	P	
	Professional and business offices located in the same structure as and <i>accessory to</i> <del>in conjunction with</del> multifamily uses.		SUP
	Rental of one room	P	
	Rental of two or three rooms to a maximum of three rooms		SUP
	Restaurants which are accessory to permitted private clubs or marinas	P	
	Retail shops <i>accessory to</i> <del>associated with</del> community recreation facilities	P	
	Temporary offices in accordance with section 24-111		SUP
	<i>Tourist home</i>	P	
Civic	Cemeteries and memorial gardens		SUP
	<del>Houses of worship</del> <i>Places of public assembly</i>	P	
	Schools, libraries and fire stations	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more		SUP
Utility	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and		SUP

	<p>associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:</p> <p>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</p> <p>(b) Distribution lines and local facilities within a development, including pump stations</p>		
Open	Timbering in accordance with section 24-43	P	

~~Accessory apartments in accord with section 24-32.~~

~~Accessory buildings or structures as defined.~~

~~Adult day care centers.~~

~~Apartments.~~

~~Coin laundries which are accessory to other residential uses and for the primary use of its residents.~~

~~Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts and other similar recreation facilities.~~

~~Day care and child care centers.~~

~~Houses of worship.~~

~~Marina, boat dock or waterfront recreational facilities.~~

~~Off street parking as required by section 24-53.~~

~~Rental of one room.~~

~~Residential cluster developments in accordance with article VI, division 1 of this chapter.~~

~~Restaurants which are accessory to permitted private clubs or marinas.~~

~~Retail shops associated with community recreation facilities.~~

~~Schools, libraries and fire stations.~~

~~Signs, as permitted by article II, division 3 of this chapter.~~

~~Single family dwellings contained within a cluster development in accordance with article VI, division 1 of this chapter.~~

~~Townhouses.~~

~~Three family and four family dwellings.~~

~~Timbering in accordance with section 24-43.~~

~~Two-family dwellings.~~

~~Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

~~Sec. 24-306. Uses permitted by special use permit only.~~

~~In the Multifamily Residential District, R-5, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:~~

~~Cemeteries and memorial gardens.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 60 kilovolts or more.~~

~~Five to eight family dwellings contained within a residential cluster development provided that the overall density does not exceed the permitted density in the previously approved master plan or the James~~

~~City County Comprehensive Plan.~~

~~Golf courses, country clubs.~~

~~Governmental offices.~~

~~Home care facilities.~~

~~Hospitals and rest homes.~~

~~Lodges, civic clubs, fraternal organizations, service clubs.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

~~Professional and business offices located in the same structure as and in conjunction with multifamily uses.~~

~~Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvement in existing railroad right of ways are permitted generally and shall not require a special use permit.~~

~~Rental of two or three rooms to a maximum of three rooms.~~

~~Single family dwellings.~~

~~Telephone exchanges and telephone switching stations.~~

~~Temporary offices in accordance with section 24-111.~~

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipments such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines, and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.

**Sec. 24-3067. Minimum site size.**

The minimum site size for a multifamily district shall be three acres.

**Sec. 24-308. Area requirements.**

The minimum lot size for a single family dwelling shall be 10,000 square feet. The minimum lot size for a two family dwelling on one lot shall be 12,000 square feet, for a three family dwelling on one lot shall be 18,000 square feet and for a four family dwelling on one lot shall be 22,000 square feet. Each lot shall meet the requirements of this district, except the side yard at the common wall may be reduced to zero for dwelling units sharing a common wall or walls and located on separate lots. The minimum lot size for two, three, and four family dwellings where each dwelling unit is on an individual lot shall be as follows:

- (1) The minimum lot area for each unit of a two family dwelling shall be 6,000 square feet.
- (2) The minimum lot area for each unit of a three family or four family dwelling where the units are constructed in a row shall be as follows: The minimum lot area for exterior units shall be 6,000 square feet. The minimum lot area for interior units shall be 3,000 square feet.
- (3) The minimum lot area for each unit of a three family, or four family dwelling where the units are not constructed in a row shall be 5,000 square feet.
- (4) The lot area for a three family dwelling shall total a minimum of 18,000 square feet and the lot area for a four family dwelling shall total a minimum of 22,000 square feet. For all other principal and accessory uses there shall be no minimum lot size in the Multifamily Residential District, R-5, unless otherwise required by this chapter.

**Sec. 24-307. Buffers and setback requirements**

(a) *Peripheral setbacks.* Any development approved under this article shall adhere to the following setback requirements. Where these requirements are more stringent than those found in Article II, Division 4 of this Chapter, these requirements shall supersede them.

(1) *Right-of-way buffer.* Within any development approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:

- (a) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.

- (b) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (c) The buffer shall be planted in accordance with Section 24-XX, General landscape area standards, and buffers along Community Character Corridor roads shall also adhere to the Community Character Corridor Buffer Designation Map and Buffer Treatment Guidelines.

(2) Perimeter buffers. Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be as specified in the following table:

	Developments of 200 or less units	Developments of more than 200 units
Adjacent to property in a multifamily district, business district, industrial district, or an agricultural district designated for such uses on the Comprehensive Plan Land Use Map, or public property	35'	50'
Adjacent to property in a residential district other than R-5 or in an agricultural district designated for low-density residential or rural residential on the Comprehensive Plan	50', which shall be increased to 75' for any structures which exceed one story	75', which shall be increased to 100' for any structures which exceed one story

Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-XX of this chapter.

(3) Waiver provisions. In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning director may reduce the buffer depth requirements specified in (a)(1) and (a)(2) of this section for residential developments when:

- (a) The development is less than ten acres and a majority of the development's units are dedicated to affordable housing; or
- (b) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (c) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(4) Modifications to the landscape requirements. The planning director may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(5) Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any

buffer, except that temporary soil stockpiles may be allowed upon approval by the planning director under the following circumstances:

- (a) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
- (b) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (c) Stockpiles shall not exceed 35 feet in height.
- (d) Stockpiles shall be temporary, with a time limit of six months.
- (e) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.
- (f) Stockpiling shall conform with any applicable requirements of the Virginia Erosion and Sediment Control regulations, the Virginia Erosion and Sediment Control Handbook and County Erosion and Sediment Control program policies.

(6) Limitations on buffers. Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:

- (1) The need is necessitated by site conditions rather than economic factors; and
- (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(7) Improvements allowable within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon approval of the planning director.

(8) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.

(b) Yard regulations. Except for setbacks specified in (a)(1) and (a)(2) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a R-5 district other than as specified in the approval final plans.

(c) Appeals. In the event the planning director disapproves of the items specified in subsections (a)(3), (a)(5), (a)(6), (a)(7), and (a)(8) above or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

#### **Sec. 24-309. Setback requirements.**

(a) All single family dwellings and their accessory structures shall be located at least 35 feet from the right of way of any peripheral street which abuts or borders the site and which has a right of way 50 feet or greater in width. If the street right of way is less than 50 feet wide, such buildings and structures shall be located a minimum of 60 feet from the centerline of the street.

(b) All other structures shall be located a minimum of 50 feet from the right of way of any peripheral street which abuts or borders the site and has a right of way width of 50 feet or more. In the event such street has a right of way width which is less than 50 feet, such structures shall be located a minimum of

~~75 feet from the centerline of the street. An additional 25-foot setback from peripheral roads identified on a functional classification shall be required for any structure which exceeds one story.~~

~~(e) All structures shall be located a minimum of 25 feet from any street which is internal to the project. Exceptions may be given for service drives, driveways, parking areas, alleys and cul-de-sac roads.~~

~~(d) Off-street parking shall not be permitted within required setbacks, except that parking spaces for single-family and two-family dwellings may be located within the required setback.~~

**Sec. 24-310. Minimum lot width.**

~~The minimum lot width measured at the setback line shall be 80 feet for single-family dwellings; 100 feet for a two-family dwelling on one lot; and 50 feet for each unit of a two-family, three-family or four-family dwelling where each dwelling unit is located on a separate lot; provided, however, the minimum lot width may be reduced to 20 feet for interior unit lots where the units are constructed in a row. For all other principal uses there shall be no minimum lot width in the R-5 District.~~

**Sec. 24-311. Yard regulations.**

~~(a) For developments containing 200 or less dwelling units, all structures shall be located a minimum of 35 feet from any property line which adjoins property in a multifamily residential district, a business district, an industrial district, an agricultural district which is designated for multifamily, commercial or industrial use on the Comprehensive Plan or public property. For developments containing more than 200 dwelling units, all structures shall be located a minimum of 50 feet from any property line which adjoins property in a multifamily residential district, a business district, an industrial district, an agricultural district which is designated for multifamily, commercial or industrial use on the Comprehensive Plan or public property.~~

~~(b) For developments containing 200 or less dwelling units, all structures shall be located a minimum of 50 feet from any property line which adjoins property which is in a residential district other than the R-5 or in an agricultural district designated for low-density residential or rural residential on the Comprehensive Plan. For developments containing more than 200 dwelling units, all structures shall be located a minimum of 75 feet from any property line which adjoins property which is in a residential district other than the R-5 or in an agricultural district designated for low-density residential or rural residential on the Comprehensive Plan. The minimum yard requirement shall be increased by 25 feet for any structures which exceed one story.~~

~~(c) Off-street parking shall be excluded from the first 40 feet of yard nearest the property line.~~

~~(d) Single-family and two-family dwellings. The minimum side yard for each single-family dwelling or two-family dwelling shall be five feet. The minimum rear yard shall be 20 feet. The minimum side and rear yards for structures accessory to single-family or two-family dwellings shall be five feet for structures one story or less and ten feet for structures exceeding one story. The side and rear yards for any structure in excess of 35 feet shall be increased by one foot for each one foot in height in excess of 35 feet.~~

**Sec. 24-30912. Density requirements for townhouses, multifamily and apartments and condominiums.**

(a) *Gross density limitation.* No project shall have a gross density (including bonuses) of more than 12 units per acre.

(b) *Calculating gross density.* For the purposes of calculating density, gross acreage shall equal the total area of the parcel when less than 25% of the total site area is non-developable. For parcels where more than 25% of the total site area is non-developable, the gross acreage shall equal the total developable area of the parcel plus 25% of the total parcel acreage.

**Illustration of Gross Density Calculation.**

(a) If a fifty acre parcel has 7 acres of non-developable land, then the non-developable area of the site is 14%. Since 14% is less than 25%, the total area of the parcel is used to calculate allowed density.

(b) If the fifty acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28%. Since 28 is greater than 25%, the total developable area of the parcel (36 acres) and 25% of the total parcel acreage (12.5 acres) are added together to obtain the gross acreage used to calculate allowed density (48.5 acres).

In this example, if an applicant sought a density of 2 dwelling units per acre, they would yield 100 units in (a) and 97 units in (b).

~~(c) Determination of developable area. Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient.~~

(c) ~~Determination of number of dwelling units. The number of dwelling units which may be constructed shall be determined by the number of net developable gross acres at the site and the use proposed. The number of units which may be constructed shall be determined by the gross acreage at the site and the use proposed, as follows:~~

<b><u>BASE DENSITY DWELLING UNITS PER ACRE</u></b>		
<b>Number of Units</b>	<b>Multifamily and Apartments under three stories</b>	<b>Multifamily and Apartments three stories or more</b>
1-100	8	10
101-200	7	9
Over 200	6	8

(d) In order to encourage attractive architectural and site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites and to encourage developers to go beyond the minimum standards of the Zoning Ordinance, the planning commission may approve the following ~~density bonuses. percentage increases of dwelling units where superior design offsets the problems which would otherwise be created.~~ Density bonuses shall not exceed a maximum of an additional 20 percent above the maximum dwelling units per acre that would otherwise be permitted as listed in the table above.

(1) ~~Setback bonus. For every 25 feet of setback, in addition to the minimum required from the right of way of each peripheral road or adjoining property line which borders the site, one and one-half percent additional dwelling units may be added. Maximum additional setback on each side for which a bonus may be given shall be 100 feet or a maximum six percent bonus for each side of the site. The total setback shall be calculated from the right of way or property line to the nearest building on the site. For the purposes of calculation, the site is considered to have four sides. For irregularly shaped parcels, a flexible method of calculation may be used by the planning director so the total bonus shall not exceed 20 percent for this section.~~

(2) ~~Recreation If the applicant designates, improves and fully develops recreational facilities in excess of the playgrounds required in section 24 314(c) above, the planning director may recommend a bonus of nine percent additional dwelling units be granted. Such areas shall be conveniently located and consist of some combination of facilities such as tennis courts, large playgrounds, ball fields, swimming pools, tot lots, bike trails or other like items. Recreation facilities for which a density bonus is granted shall be fully completed before any certificate of occupancy may be issued.~~

**(3) Landscape design.** If the applicant presents an unusually attractive and harmonious site plan and building design which retains, relates to and enhances the natural vegetation and terrain of the site or which proposes unusually extensive landscaping and planting of borders, entrances, recreation areas, street frontage, areas surrounding buildings or common open space, the planning director may recommend a bonus of 12 percent additional dwelling units be granted. In order to promote superior design, the award of this bonus shall be made only in cases where the design of the project is clearly superior to the design of typical projects of its type in the community and where the applicant goes beyond the minimum standards required by this chapter.

**(4) Public facilities.** In the event a school, fire station, library, park or other public facility shown in the public facilities plan is proposed in or near the parcel, if the developer is willing to reserve a site suitable for the purpose intended and if the governing body is willing to acquire this site within 24 months of the approval of the final site plan, the planning director may recommend a bonus of nine percent additional dwelling units be granted to the number of units allowable on the remainder of the parcel.

Bonus Increase from Base Density	Required Density Bonus Items from List Below
Up to the base density	0
10% above the base density	1
20% above the base density	2

Density Bonus Item Options	
A.	<p>Retention of one of the following <u>environmentally-related conservation features</u>. The <u>underlined item must constitute at least 5% of the developable area of the site.</u></p> <ul style="list-style-type: none"> <li>• <u>100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer</u></li> <li>• <u>Retention of soils in hydrologic groups A and B (retain at least 50% of these soils)</u></li> <li>• <u>Preservation of a Conservation Area as identified by an approved watershed management plan</u></li> <li>• <u>Preservation of wildlife habitat corridors that:</u> <ul style="list-style-type: none"> <li><u>Protect a corridor at least 100 feet in width from one protected area (on or off the cluster property) to another protected area</u></li> <li><u>Consist of mature forestland</u></li> </ul> </li> </ul>
B.	<p>Commitment to either undertake or fund a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the Engineering and Resource Protection Division</p>

<b>C.</b>	<i>Design of a stormwater management plan that uses Better Site Design/Low Impact Development Techniques to meet the majority of applicable Chesapeake Bay Preservation Ordinance standards and requirements, as approved by the Engineering and Resource Protection Division</i>
<b>D.</b>	<i>100 foot buffer from the internal edge of a right-of-way and/or perimeter buffer (must constitute at least 5% of the developable area of the site)</i>
<b>E.</b>	<i>Commitment to achieve green building certification beyond the basic certified level using EarthCraft, LEED or equivalent program, in accordance with the County's Green Building for Private Development Policy</i>
<b>F.</b>	<i>For every 10% of the units committed to provision of affordable/workforce housing (starting above the threshold set in the County's Affordable and Workforce Housing Policy), a density bonus of 1 shall be applied.</i>
<b>G.</b>	<i>Dedication to the County of a public use site, the developable portion of which is suitable for a public facility, as determined by the County Administrator or designee</i>
<b>H.</b>	<i>Commitment to construct a greenway trail and dedicate a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as is approved by the Director of Parks and Recreation or designee</i>
<b>I.</b>	<i>Development of binding design guidelines for Planning Director approval that include architectural and design standards above and beyond standard practice. Examples include, but are not limited to, rear or side loading garages; style type, materials, height and setback variation; and unit design accessible to the disabled.</i>
<b>J.</b>	<i>Use of an infill site (80% of the property's boundaries abut previously developed land)</i>
<b>K.</b>	<i>Preservation and rehabilitation of an on-site structure identified in the County's Architectural survey (structure may be re-used as a community clubhouse, private residence with appropriate deed restrictions, etc.) If the proposed cluster is within a designated Community Character Area, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.</i>
<b>L.</b>	<i>Preservation of at least two contiguous acres of healthy, mature, native forestland</i>
<b>M.</b>	<i>Retention of at least five contiguous acres of agricultural land of prime or statewide importance</i>
<b>N.</b>	<i>Provision of a WATA bus stop that would be within 1,300 feet of 85% of the proposed units, if determined by WATA to be at an appropriate location</i>
<b>O.</b>	<i>Construction of shared vehicular access between properties (where more than one property owner is involved, evidence of a binding legal agreement between the parties should be provided at the master plan stage to qualify for this density bonus)</i>

*(e) Subdivision in order to circumvent provisions prohibited. Property shall not be subdivided to circumvent this section and project phases shall be considered one development.*

~~(f) Condominiums and application of density to two, three, and four family dwellings. Units for sale in condominium may be in townhouse or apartment-like structures and the number of dwelling units per acre shall be permitted accordingly. The densities specified above in this section shall not apply to two, three and four family dwellings.~~

(Condominium statement is DELETED since allowing condominium ownership is discussed in Section 24-33 of the ordinance already)

**Sec. 24-3103. Subdivision regulations.**

Any subdivision of land within Multifamily District R-5 shall comply with the subdivision ordinance of the County.

**Sec. 24-3114. Requirements for improvements and design.**

(a) *Sewer and water.* All dwelling units within the Multifamily Residential District, R-5, shall be served by publicly owned and operated sewer and water systems.

~~(b) *Open space.* At least 35 percent of the gross area of the site shall be retained in open space as defined in section 24-2. There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.~~

~~(a) *Non-developable areas shall be maintained as open space. These areas shall not be included on any private lot, and should be protected through a dedicated conservation easement.*~~

~~(b) *In addition, ten percent of the developable area of the site shall also be set aside as open space.*~~

~~1. *The developable area open space may include, but is not limited to:*~~

~~a. *Areas on site necessary to meet County policies pertaining to natural resources, archaeology, and parks and recreation;*~~

~~b. *Area(s) for which a density bonus is also being proposed, as listed in Section 24-309;*~~

~~c. *The following areas, up to the percent specified*~~

~~i. *Required right-of-way and perimeter buffers – cannot exceed 50% of the developable open space required*~~

~~ii. *Stormwater management facilities – cannot exceed 20% of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures)*~~

~~(c) *For the purpose of meeting the developable open space requirements specified in (b), open space area may not include:*~~

~~1. *Area on any individual private lots, with the exception of easements for streetscapes*~~

~~2. *Land within public road rights-of-way and utility or drainage easements*~~

~~(d) *Open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for the entire development and served with adequate facilities for such purpose.* Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.~~

(c) *Recreation.* A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every 50 dwelling units; provided, that the total shall not exceed ten percent of the gross area of the site. For multifamily projects with less than 50 dwelling units, the recreation areas shall total ten percent of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to

the issuance of any Certificates of Occupancy. Recreation areas and facilities may be deeded to a residents' association.

(d) *Utility lines.* All utility lines, including electrical, telephone and cable television, shall be placed below ground.

(e) *Parking.* Off-street parking facilities shall be provided in accordance with Article II, Division 2 ~~section 24-53~~ of this chapter.

(f) *Streets.* All streets shall meet the design and construction requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the county Comprehensive Plan. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of code compliance.\*

\*(Note: this section will be amended as part of the Development Standards private streets memo.)

(g) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the director of building safety and permits ~~code compliance~~ and county fire chief. ~~No structure within the project shall be further than 400 feet from a hydrant.~~

(h) *Trash collection.* If containers are provided, they shall be conveniently located to serve all dwelling units. The sites for such containers shall be attractively screened by natural vegetation, landscaping or fences.

(i) *Streetlights and Parking Lot Lighting.* Streetlights and parking lot lighting shall be provided as required by section ~~XX-XXX 24-53(e)(3)~~ of this chapter and the county subdivision ordinance. ~~All streetlights shall be specified on the site plan, generally at intersections and in parking lots and other public areas. The light shall be directed so as not to produce objectionable glare on adjacent property or into residences within the development. No lighting fixture on pedestrian or bicycle paths or parking lots shall exceed a height of 15 feet.~~

(j) *Structure height.* Structures may be erected up to 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank or other accessory functions which are part of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures, or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. A structure in excess of 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank, radio, television and microwave antennas and towers or other accessory functions, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 35 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Such structure will not obstruct light from adjacent property;
- (2) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (3) Such structure will not impair property values in the surrounding area;
- (4) Such structure is adequately designed and served from the stand point of safety and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and.
- (5) Such structure would not be contrary to the public health, safety and general welfare.

(k) *Maximum number of units and facade variety.* A maximum of ten ~~townhouse~~ **multifamily dwellings** units shall be included in one structure. The facade of ~~townhouses~~ **multifamily dwellings** within a group shall be changed by variation in the depth of front yards, building materials and/or design so that no more than two abutting units shall be of like appearance.

~~(l) *Private yards.* Each two family dwelling unit and each townhouse unit shall open directly into a private yard of a minimum of 200 square feet.~~  
(DELETED)

m) *Minimum distances.* The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of ten feet from any other structure.

~~(n) *Drainage facilities.* Adequate facilities for the control of stormwater, erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Transportation's Drainage Manual.~~  
(DELETED)

~~(o) *Natural features and amenities.* Existing features which would enhance the residential environment of the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.~~  
(Retained – moved to open space section above)

(p) *Guarantee for improvements.* ~~The zoning administrator shall not issue any~~ **No** certificate of occupancy shall be issued until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, shown on the approved site plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the county attorney.

(q) *Maintenance of common open space, recreation facilities, etc.* The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners' association.

#### **Sec. 24-316. Relation to public utilities.**

~~(a) Multifamily Residential District, R-5, shall be so located in relation to sanitary sewers, water lines, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement shall be required which results in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under existing zoning for the area.~~

~~(b) Extensions and expansions of public utilities to serve the project shall be governed by the regulations and policies governing service of the appropriate public agency.~~

(DELETED)

**Sec. 24-312 . Pedestrian Accommodation.**

*Pedestrian accommodation shall be provided in accordance with Section 24-35.*

**Secs. 24-31~~4~~7 - 24-326. Reserved.**

## MEMORANDUM

**DATE:** August 30, 2011  
**TO:** Policy Committee  
**FROM:** Jason Purse, Senior Planner and Ellen Cook, Senior Planner II  
**SUBJECT:** Multiple Use districts ordinance changes

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Staff previously presented discussion items for changes to the Multiple-Use districts in February 2011. Staff has compiled those comments and incorporated them into draft ordinances for MU, Mixed-Use; PUD, Planned Unit Development; and, R-4, Residential Planned Community.

The most substantive changes were made to the Mixed-Use district. The overall base density was lowered and now includes density bonuses similar to what was included with the Cluster ordinance that the Policy Committee reviewed earlier in the year. A required mixing of uses (not more than 80% of one use type) was included in the density section. Provisions were also included that require unified open space design, as well as complementary site design. At the recommendation of the Office of Economic Development, several of the uses listed that were previously permitted up to 2,000 square feet, and specially permitted at sizes greater than that, were revised to have a threshold of 5,000 square feet. Finally, staff included a construction phasing requirement, to be reviewed at the rezoning level, with a phasing plan approved by the Board of Supervisors.

Staff made similar changes to the PUD district, including changes to the density calculation (to include a density bonus), as well as housekeeping revisions similar to Mixed-Use that do not change the content of the district, but rather change the arrangement of sections of the ordinance (i.e. use list table, removal of procedural sections to another section of the ordinance, etc.).

The changes to the R-4 district were mostly organizational in nature. Changes to the use list, removal of procedural requirements, and rewording of the gross density calculation table were the major changes.

Staff requests the Policy Committee offer comment on this draft ordinance prior to the Board of Supervisors work session in September.

Attachments:

1. Mixed-Use ordinance
2. PUD ordinance
3. R-4 ordinance

Ordinance topic  
Page 1  
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**Chapter 24**  
**ARTICLE V. DISTRICTS**  
**DIVISION 15. MIXED USE, MU**

**Sec. 24-514. Statement of intent.**

(a) The purpose of the mixed use district is to promote a broad spectrum of land uses in more intensive developments on lands designated mixed use by the Comprehensive Plan. The mixed use district is designed to:

- (1) Promote a multiuse master-planned community which may include residential, commercial, industrial (with a ~~predominant~~ focus on light industrial), office and other nonresidential uses;
- (2) Provide flexibility, unity and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type, design and layout of residential, employment and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths;
- (3) Reduce commuter ~~driving driver~~ demands on highways and roads by concentrating employment, housing and recreation opportunities in locations served by, or convenient to, public transportation; and
- (4) Permit densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts.

(b) This shall be accomplished by providing for the development and/or redevelopment of a variety of land uses ~~and structures~~ within the mixed use district ~~and in structures within the Mixed Use District~~ in accordance with the uses generally described in the Comprehensive Plan for areas designated mixed use. The mixed use district is the preferred ~~Zoning District~~ for development within those areas designated Mixed Use in the Comprehensive Plan.

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-184, 12-8-98)

**Sec. 24-515. Documents required for submission.**

(a) *Required documents.* The applicant shall submit ~~documents in accordance with section 24-23~~ the following documents to the planning director ~~for submission to the planning commission prior to any rezoning or special use permit application consideration by the planning commission.~~

~~(1) Application for rezoning.~~

~~(2) Traffic impact study for any development containing a use or combination of uses which generates, or would be expected to generate, 150 or more additional trips per day to and from the site during peak hour of operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of their book entitled Trip Generation. The traffic impact study shall address projected traffic generation, internal and external traffic, turning movements and distribution at each access point, traffic distribution, capacity of surrounding roads, and roads and access improvements. The traffic impact study shall conform to the standards of the Virginia Department of Transportation and be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director.~~

## MEMORANDUM

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1. Mixed-Use ordinance
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Ordinance topic  
Page 1  
Last Revised: 8/26/2011

~~(3) Master plan, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review. Master plans shall not be required as part of an application for rezoning a parcel when the proposed use for the parcel is a structure or combination of structures whose total floor area is less than 20,000 square feet.~~

~~The planning director may waive the master plan submittal requirement for a proposed development consisting of a single use structure if the applicant can demonstrate that a master plan would not be beneficial to a review of the impacts associated with the proposed development.~~

~~(4) Community impact statement, for any Mixed Use development containing 50 or more acres or comprising 200 or more dwelling units, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.~~

~~(b) Master plan. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 36 inches by 48 inches. The master plan shall include:~~

~~(1) An inset map at a scale of not less than one inch to one mile (1" = 1 mile), showing the property in relation to surrounding roads, subdivisions or major landmarks.~~

~~(2) A north arrow.~~

~~(3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within, adjoin or provide access to the property.~~

~~(4) The approximate boundaries of each section, land use or density, the approximate location of proposed streets and right of ways with an indication of whether public or private; the approximate location of recreation areas and common open space areas; and all areas proposed for dedication to public use within the project.~~

Each section or area of the master plan shall be designated as follows:

<u>Area</u>	<u>Type of Development</u>
A	Single family dwelling units
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units
D	Attached structures of three or more stories and containing more than four dwelling units
E	Commercial uses
F	Wholesale and warehouse uses
G	Office Uses

<del>H</del>	<del>Industrial uses</del>
<del>I</del>	<del>Institutional or public uses</del>
<del>J</del>	<del>Areas of common open space, with recreation areas noted</del>
<del>M*</del>	<del>Structures containing a mixture of uses</del>
<del>X</del>	<del>Other structures, facilities or amenities</del>

~~\*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parenthesis, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed-use structure.~~

~~(15) Where applicable, the master plan shall contain a table which shows, for each section or area of different uses, the following:~~

- ~~a. The use (s);~~
- ~~b. Construction Approximate development phasing;~~
- ~~c. Maximum number of dwelling units and density for residential areas;~~
- ~~d. Maximum square feet of floor space for commercial, office or industrial areas;~~
- ~~e. Maximum square feet of floor space and percentage mix of floor space of each use for those structures containing a mixture of uses; and~~
- ~~f. Maximum acreage of each use.~~

~~The master plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, number of dwelling units and densities, roads, right-of-ways, accesses, open spaces, public uses and other features located or to be located on the site. The master plan shall be reviewed and upon approval by the board of supervisors, the master plan shall become binding. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Approved development plans, provided for in section 24-518, shall supersede the master plan and conceptual or schematic plans.~~

~~(2) Construction phasing. A project build-out schedule shall be submitted for review by the planning director, the planning commission and board of supervisors, in accordance with the board of supervisors adopted construction phasing guidelines adopted on \_\_\_\_\_. The purpose of such phasing plan shall be to provide assurance to the board of supervisors that infrastructure improvements will be constructed in order to support the development intensities proposed. The project build-out schedule shall also provide assurances that the development will include both the proposed non-residential and residential elements at certain project milestones and/or at build-out.~~

~~(e) Community impact statement. The community impact statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:~~

- ~~(1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities;~~
- ~~(2) Additional on site and off site public facilities or services which would be required as a result of the development;~~

~~(3) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution; and~~

~~(4) Employment opportunities to be generated by the development.~~

(Ord. No. 31A-141, 5-4-92)

~~Sec. 24-516. Master plan Administrative review fees.~~

~~Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24-7.~~

~~(Ord. No. 31A-141, 5-4-92)~~

**Sec. 24-516.7. Procedures.**

(a) *Report of the planning director.* The planning director may refer copies of the master plan and community impact statement to other local public officials for their comments and the planning director shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. When all materials necessary for application are complete and the application is deemed ready for planning commission review, the application, master plan, community impact statement, *fiscal impact statement and traffic study* and report of the planning director shall be placed on the agenda of the planning commission at its next regularly scheduled meeting.

The report of the planning director shall include, but not necessarily be limited to, the following;

- (1) Evaluation of the proposed density and uses at the site in relation to the county's Comprehensive Plan;
- (2) Evaluation and recommended changes in the design of land use, circulation and densities shown on the master plan of the property;
- (3) Impact of the proposal on surrounding property and the environment; and
- (4) Evaluation of the traffic impact study and community impact statement.

(b) *Consideration by the planning commission and board of supervisors.* The procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13.

(c) *Guarantees.* The director of code compliance shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, and public water and public sewer facilities, shown on the approved development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-184, 12-8-98)

**Sec. 24-517.8. Development plans.**

(a) Development plans shall be submitted and reviewed in accordance with ~~a~~ **Article III** of this chapter or with the county's subdivision ordinance, whichever is applicable. Development plans may be submitted

for review after approval of a master plan by the board of supervisors. All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the planning commission *director* concludes, ~~after reviewing written comments from the planning director,~~ that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning. A conceptual plan may be submitted ~~to the planning commission~~ for this purpose in a form sufficient to illustrate the proposed deviations. If the planning commission *director* determines that a proposed change would significantly deviate from the approved master plan, the applicant may submit alternative proposed development plans or proceed with amendment of a master plan in accordance with section 24-13.

*(b) Appeals. In the event the planning director disapproves of the items specified in section 24-517 (a) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

~~(cb)~~ Documentation satisfactory to the county attorney for the maintenance of common open space, recreation areas, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be submitted as part of any application for development plan review.

(Ord. No. 31A-141, 5-4-92)

~~Sec. 24-5199. Addition of land to an existing mixed use development.~~

~~Additional land area zoned for mixed use may be added to an existing mixed use district if it is adjacent to (except parcels separated by a public or private right of way) and forms a logical addition to the original parcel. Up to three additions of land zoned Mixed Use to an existing mixed use district shall be permitted on approval of the development review committee, provided that the acreage of a single addition or sum of additions equal an amount less than or equal to 25 percent of the original development. In no case shall an addition or sum of additions be greater than 25 acres. Applications for more than three additions or an addition greater than 25 acres shall be considered as new applications and comply with the requirements of section 24-13.~~

(Ord. No. 31A-141, 5-4-92)

~~Sec. 24-51920. Minimum area of districts.~~

Mixed use districts shall be located on a single parcel of land, or separate but *adjacent*-contiguous parcels, which shall total not less than five acres. Mixed use districts may be located on a parcel of less than five acres provided that the purpose of the district is to provide for the development of a mixed use structure or mixed use structures within an area designated Mixed Use in the Comprehensive Plan.

(Ord. No. 31A-141, 5-4-92)

~~Sec. 24-5201. Permitted uses.~~

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory structures, as defined in section 24-2	P	
	<del>Accessory apartments</del>	<del>P</del>	
	Apartments	P	
	Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons for more than five persons	P	
	<del>Group quarters for agricultural workers</del>	<del>P</del>	
	Home care facilities	P	
	<del>Home occupations, as defined</del>	<del>P</del>	
	<del>Multiple-family dwellings up to and including four dwelling units</del>	<del>P</del>	
	<del>Multi-family more than four dwelling units</del>	<del>P</del>	
	Single-family dwellings	P	
	Nursing homes	P	
	<del>Townhouses</del>	<del>P</del>	
	<del>Two-family dwellings</del>	<del>P</del>	
Commercial Uses	Accessory structures, as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts shops	P	
	Automobile rental	P	
	Automobile repair and service including tire, transmission, glass, body and fender, and other automotive product sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Campgrounds		SUP
	Child day care centers	P	
	<del>Clubs, public or private, civic or service clubs, county clubs, lodges and fraternal organizations</del>	<del>P</del>	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38	P	

Data processing centers	P	
Drug stores	P	
Dry cleaners and laundries	P	
Employment services or agencies	P	
Farmer's markets	P	
Fast food restaurants		SUP
Feed, seed and farm supply stores	P	
Fish farming	P	
Flea markets		SUP
Funeral homes, cemeteries and memorial gardens	P	
Gift stores	P	
Golf courses		SUP
Greenhouses and nurseries	P	
Handicraft stores	P	
Health clubs, exercise clubs and fitness centers	P	
Home occupations as defined	P	
Hotels, motels, tourist homes and convention centers	P	
Indoor sport facilities	P	
Indoor theaters	P	
Janitorial service establishments	P	
Limousine service	P	
Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packaging or distribution under cover or screened with landscaping and fencing from adjacent property		SUP
Museums	P	SUP
Off-street parking as required by section 24-53	P	
Office supply stores, secretarial and duplicating services	P	
Parking lots and garages	P	
Photographer, picture, artist and sculptor stores and studios	P	
Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
Printing and publication establishments	P	
Property maintenance facilities, sheds or garages	P	
Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	

	Rental of more than three rooms in a single-family dwelling unit		SUP
	Rental of rooms to a maximum of three rooms	P	
	Rest homes	P	
	Restaurants, tea rooms and taverns	P	
	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Taxi service	P	
	Theme parks		SUP
	Truck stop; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	Veterinary hospitals	P	
	Water well drilling establishments	P	
Agricultural	Wineries		SUP
Civic	Fire stations	P	
	<del>Houses of worship and cemeteries accessory hereto</del>	<del>P</del>	
	Libraries	P	
	Nonemergency medical transport	P	
	<i>Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations</i>	<i>P</i>	
	<del>Public meeting halls</del>	<del>P</del>	
	Post offices	P	
	Schools	P	
	Water impoundments, new or expansion of	P	
Utility	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Radio stations, television stations, transmission relay stations and communication towers		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless		SUP

	<b>Communication Facilities</b>		
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:  (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (a) Distribution lines and local facilities within a development, including pump stations		SUP
	Water impoundments, new or expansion of	P	
Open	Timbering in accordance with section 24-43	P	
Industrial Uses	Food processing and storage, but not the slaughter of animals	P	
	Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property	P	
	Heliports, helistops		SUP
	Hospitals	P	
	Industrial and technical training schools	P	
	Laser technology production	P	
	Machinery sales and service with major repair under cover	P	
	Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks and wine	P	
	Manufacture and processing of textiles and textile products in structures not more than 52,000 square feet	P	

Manufacture and processing of textiles and textile products in structures more than 52,000 square feet		SUP
Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, and yarn in structures of not more than 52,000 square feet	P	
Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, and yarn in structures of not more than 52,000 square feet		SUP
Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
Manufacture of carpets and carpet yarns in structures of not more than 52,000 square feet	P	
<del>Manufactured home or mobile home sales</del>		<del>SUP</del>
Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity	P	
Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment	P	
Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments	P	
Petroleum storage		SUP
Private streets within "qualifying industrial parks" in accordance with section 24-55	P	
Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect	P	
Publicly owned solid waste container sites		SUP
Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit		SUP
Research, development and design facilities or laboratories	P	
Resource recovery		SUP
Solid waste transfer stations		SUP

	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	

~~(1) Residential uses:~~

~~Accessory structures, as defined in section 24-2.~~

~~Apartments.~~

~~Multiple family dwellings.~~

~~Single family dwellings.~~

~~Timbering in accordance with section 24-43.~~

~~Townhouses.~~

~~Two family dwellings.~~

~~Dwelling units, regardless of structure type, should be clustered or otherwise grouped to maximize the preservation of open space and other aesthetic amenities consistent with the intent of article VI, division 1, Residential Cluster Development.~~

~~(2) Nonresidential uses:~~

~~Accessory structures, as defined in section 24-2.~~

~~Adult day care centers.~~

~~Antique shops.~~

~~Arts and crafts shops.~~

~~Automobile rental.~~

~~Automobile repair and service including tire, transmission, glass, body and fender, and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, professional and governmental offices.~~

~~Child day care centers.~~

~~Clubs, public or private, civic or service clubs, country clubs, lodges and fraternal organizations.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.~~

~~Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Data processing centers.~~

~~Drug stores.~~

~~Dry cleaners and laundries.~~

~~Employment services or agencies.~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons for more than five persons.~~

~~Farmer's markets.~~

~~Feed, seed and farm supply stores.~~

~~Fire stations.~~

~~Fish farming.~~

~~Food processing and storage, but not the slaughter of animals.~~

~~Funeral homes, cemeteries and memorial gardens.~~

~~Gift stores.~~

~~Greenhouses and nurseries.~~

~~Group quarters for agricultural workers.~~

~~Handicrafts stores.~~

~~Health clubs, exercise clubs and fitness centers.~~

~~Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property.~~

~~Home care facilities.~~

~~Home occupations as defined.~~

~~Hospitals.~~

~~Hotels, motels, tourist homes and convention centers.~~

~~Houses of worship and cemeteries accessory hereto.~~

~~Indoor sport facilities.~~

~~Indoor theaters.~~

~~Industrial and technical training schools.~~

~~Janitorial service establishments.~~

~~Libraries.~~

~~Limousine service.~~

~~Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Machinery sales and service with major repair under cover.~~

~~Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps.~~

~~Manufacture and bottling of soft drinks and wine.~~

~~Manufacture and processing of textiles and textile products in structures of not more than 2,000 square feet.~~

~~Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn in structures of not more than 2,000 square feet.~~

~~Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products.~~

~~Manufacture of carpets and carpet yarns in structures of not more than 2,000 square feet.~~

~~Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.~~

~~Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.~~

~~Manufacture or assembly of electronic instruments, electronic devices or electronic components.~~

~~Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.~~

~~Nonemergency medical transport.~~

~~Nursing homes.~~

~~Off street parking as required by section 24-53.~~

~~Office supply stores, secretarial and duplicating services.~~

~~Parking lots and garages.~~

~~Photographer, picture, artist and sculptor stores and studios.~~

~~Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Post offices.~~

~~Printing and publishing establishments,~~

~~Private streets within "qualifying industrial parks" in accordance with section 24-55.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.~~

~~Property maintenance facilities, sheds or garages.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.~~

~~Public meeting halls.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Research, development and design facilities or laboratories.~~

~~Rest homes.~~

~~Restaurants, tea rooms and taverns.~~

~~Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

~~Retail food stores, bakeries and fish markets.~~

~~Security service offices.~~

~~Schools.~~

~~Taxi service.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Veterinary hospitals.~~

~~Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.~~

~~Water impoundments, new or expansion of.~~

~~Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-152, 8-16-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-242, 7-14-09)

**~~Sec. 24-522. Uses permitted by special use permit only.~~**

~~In the mixed use districts, all structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors:~~

~~Campgrounds.~~

~~Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Fast food restaurants.~~

~~Flea markets.~~

~~Golf courses.~~

~~Heliports, helistops and accessory uses.~~

~~Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn in structures of 2,000 square feet and greater.~~

~~Manufactured home or mobile home sales.~~

~~Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.~~

~~Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property.~~

~~Museums.~~

~~Petroleum storage.~~

~~Publicly owned solid waste container sites.~~

~~Radio stations, television stations, transmission relay stations and communication towers.~~

~~Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit. Rental of more than three rooms in a single family dwelling unit.~~

~~Resource recovery facilities.~~

~~Shooting ranges, indoor.~~

~~Solid waste transfer stations.~~

~~Theme Parks.~~

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Truck stop; if fuel is sold, then in accordance with section 24-38.~~

~~Truck terminals; if fuel is sold, then in accordance with section 24-38.~~

~~Vehicle and trailer sales and service (with major repair limited to a fully enclosed building).~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:~~

~~(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~

~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water well drilling establishments.~~

~~Wineries.~~

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-149, 2-1-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-218, 7-12-05)

**Sec. 24-5213. Density.**

(a) The number of dwelling units which may be constructed in any residential or mixed use-residential area designation as indicated on the master plan shall be determined by the number of gross acres at the site and the use proposed. The maximum densities of dwelling units per acre which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Base Gross Density (Dwelling Units Per Acre)</u>	<u>Maximum Gross Density with density bonus (see table under section 24-521 (b))</u>
A	Single-family structures	3 6	6
B	Multi-family Attached structures containing two up to four dwelling units, or townhouses	5 10	10
C	Multi-family Attached structures less than three stories and containing more than four dwelling units	6 12	12
D	Apartments Attached structures of three or more stories and containing more than four dwelling units	9 18	18

(b) For the purposes of calculating gross density, gross acreage shall equal the sum of the total developable area and up to 35 percent of the total area of the parcel as calculated below:

<u>Gross Acreage</u>	
<u>Percentage of Nondevelopable Area</u>	<u>Gross Acreage Shall Equal</u>
Less than 35%	Total Area of Parcel
More than 35%	Developable Land Plus Up To 35% of the Parcel's Land

(c) Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, wetlands and areas with slopes exceeding 25 percent gradient.

(1) For the purposes of calculating density, gross acreage shall equal the total area of the parcel when less than 25% of the total site area is non-developable. For parcels where more than 25% of the total site

area is non-developable, the gross acreage shall equal the total developable area of the parcel plus 25% of the total parcel acreage.

(b) In addition to the base density standards from section 24-521 (a) a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus Increase from Base Density	Required Density Bonus Items from List Below
Up to the base density	0
33% above the base density	2
66% above the base density	4
100% above the base density	6

Density Bonus Item Options	
A.	Retention of one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5% of the developable area of the site. <ul style="list-style-type: none"> <li>• <u>100 foot buffers</u> around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer</li> <li>• Retention of <u>soils in hydrologic groups A and B</u> (retain at least 50% of these soils)</li> <li>• Preservation of a <u>Conservation Area as identified by an approved watershed management plan</u></li> <li>• Preservation of <u>wildlife habitat corridors that:</u> <ul style="list-style-type: none"> <li>Protect a corridor at least 100 feet in width from one protected area (on or off the cluster property) to another protected area</li> <li>Consist of mature forestland</li> </ul> </li> </ul>
B.	Commitment to either undertake or fund a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the Engineering and Resource Protection Division
C.	Design of a stormwater management plan that uses Better Site Design/Low Impact Development Techniques to meet the majority of applicable Chesapeake Bay Preservation Ordinance standards and requirements, as approved by the Engineering and Resource Protection Division
D.	100 foot buffer from the internal edge of a right-of-way and/or perimeter buffer (must constitute at least 5% of the developable area of the site)
E.	Commitment to achieve green building certification beyond the basic certified level using EarthCraft, LEED or equivalent program, in accordance with the County's Green Building for Private Development Policy
F.	For every 10% of the units committed to provision of affordable/workforce housing (starting above the threshold set in the County's Affordable and Workforce Housing Policy), a density bonus of 1 shall be applied.
G.	Dedication to the County of a public use site, the developable portion of which is suitable for a public facility, as determined by the County Administrator or designee
H.	Commitment to construct a greenway trail and dedicate a public use easement in a location indicated by

	<i>the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as is approved by the Director of Parks and Recreation or designee</i>
<b>I.</b>	<i>Development of binding design guidelines for Planning Director approval that include architectural and design standards above and beyond standard practice. Examples include, but are not limited to, rear or side loading garages; style type, materials, height and setback variation; and unit design accessible to the disabled.</i>
<b>J.</b>	<i>Use of an infill site (80% of the property's boundaries abut previously developed land)</i>
<b>K.</b>	<i>Preservation and rehabilitation of an on-site structure identified in the County's Architectural survey (structure may be re-used as a community clubhouse, private residence with appropriate deed restrictions, etc.) If the proposed cluster is within a designated Community Character Area, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.</i>
<b>L.</b>	<i>Preservation of at least two contiguous acres of healthy, mature, native forestland</i>
<b>M.</b>	<i>Retention of at least five contiguous acres of agricultural land of prime or statewide importance</i>
<b>N.</b>	<i>Provision of a WATA bus stop that would be within 1,300 feet of 85% of the proposed units, if determined by WATA to be at an appropriate location</i>
<b>O.</b>	<i>Construction of shared vehicular access between properties (where more than one property owner is involved, evidence of a binding legal agreement between the parties should be provided at the master plan stage to qualify for this density bonus)</i>

*(c) To achieve the intent of a mixed use development, no single use shall exceed 80 percent of the permitted uses within a mixed use zoning district.*

(Ord. No. 31A-141, 5-4-92)

**Sec. 24-5224. Open space.**

Development within the mixed use districts shall provide usable open space area. The amount of open space shall be not less than ten percent of the developable area of the site. Nondevelopable area ~~consisting of all stream beds, areas subject to flooding, wetlands and areas with slopes exceeding 25 percent gradient~~ shall not be counted towards meeting the open space requirement. For the purposes of this article, open space does not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Ordinance, section 24-86 (landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

- (1) Perpetual easement(s) of no less than 50 feet in width dedicated to James City County or another group approved by the county adjoining any road designated as a ~~greenbelt road~~ *Community Character Corridor* on the Comprehensive Plan.
- (2) Buffer area(s) of no less than 50 feet around an RMA wetland as measured from the landward edge of the wetland.
- (3) Preservation of any archaeological site, any landmark registered in the Virginia Landmarks Register, the National Register of Historic Places or National Historic Site register.
- (4) Preservation of any developable area demonstrated to be a habitat for any endangered, rare or threatened species of plant or wildlife so designated by the federal government, the State of Virginia (as referenced by the county's Natural Areas Inventory or listed in *Virginia's Endangered Species*, (Virginia

Department of Game and Inland Fisheries, 1991)), where preservation of such area is not required by local, state or federal law.

(5) Bikeways, bike paths, hiking trails, greenways or other similar amenity, excluding sidewalks.

(6) Public or private picnic areas, parks, plazas or other gathering areas.

(7) Public or private community facilities such as swimming pools, tennis courts, and recreation buildings. Golf courses may also be counted as open space for the purpose of meeting the open space requirement to a maximum of 60 percent of the required open space.

Open space area shall be protected by easements, maintenance agreements and/or other assurances satisfactory to the county attorney.

(Ord. No. 31A-141, 5-4-92)

**Sec. 24-52~~3~~5. Height of structures.**

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.

(b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas, and towers or other accessory functions, and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

(1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the surrounding area;

(5) Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the structure is

reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure would not be contrary to the public health, safety or general welfare.

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

**Sec. 24-5246. Requirements for improvements and design.**

*(a) Complementary design. Mixed-Use districts are intended to have an integrated character with strong unifying design elements and therefore shall meet the following standards:*

*(1) Unified building design. Building design should be coordinated with regard to color, materials, architectural form and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.*

*Development shall focus on pedestrian-scaled design, a mixing of uses within buildings, and general design standards (such as landscaping, road design, etc.).*

*(2) Unified open space. Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities and convenience shopping centers). All buildings or building clusters within the development must be connected with linkages other than roads (i.e., sidewalks, bikeways or multi-use paths). The master plan shall utilize open space and natural features that serve as buffers and transitions to adjacent area(s). See section 24-522 for more details on open space.*

*(b) Water and sewer. All structures and uses within a mixed use districts shall be served by publicly owned and operated water and sewer systems.*

*(c) Recreation areas. Residential areas and mixed use structures and areas designated on the master plan shall be provided with a recreation area or areas adequate to meet the needs of the residents. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities in accordance with the guarantees established as part of master plan or final Development Plan approval. The composition of the facilities to be installed shall be approved by the planning director. Such facilities shall be owned and maintained by the developer or a residents' association.*

*(d) Parking. Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section 24-53. The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening.*

*(e) Streetlights. Streetlights shall generally be provided at each intersection and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development.*

*(f) Natural features and amenities. Existing features such as specimen trees, wildlife habitats, watercourses, historical sites and similar irreplaceable assets shall be shown on the master plan and site plan and preserved to the maximum extent possible.*

*(g) Signs. All signs within a mixed use district shall comply with article II, division 3 of this chapter.*

~~(h)~~ *Traffic circulation.* Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. All streets shall be constructed and designed in accordance with section 24-528.

~~(i)~~ *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86 and Chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.

*(i) Dwelling units, regardless of structure type, should shall be clustered or otherwise grouped to maximize the preservation of open space and other aesthetic amenities consistent with the intent of article VI, division 1, Residential Cluster Development. (This section has been relocated from the use list section, but is not a new requirement.*

*(j) Pedestrian accommodation.* Pedestrian accommodation shall be provided in accordance with section 24-35.

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-205, 5-8-01)

**Sec. 24-52~~5~~7. Setback requirements.**

*(a) Location of structures.* Structures shall be located 50 feet or more from any external existing or planned public road right-of-way, or any internal arterial road right-of-way, which is 50 feet or greater in width. Where the external existing or planned public road right-of-way, or the internal arterial road right-of-way, is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the external existing or planned or internal arterial public road.

*(b) Required set back from mixed use districts.* For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

*(c) Setback modifications; criteria for determination.* Reduction of the width of the setbacks specified in subsections (a) and (b) above may be approved for a mixed use zoning district that is designated Mixed Use by the Comprehensive Plan upon demonstration that the proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirement of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, a request for a setback modification must meet one or more of the following criteria:

(1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;

(2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;

(3) The proposed setback is due to unusual size, topography, shape or location of the property, *existing structures*, or other unusual conditions, excluding the proprietary interests of the developer.

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria:

(1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;

(2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.

(d) *Requests for modifications.* Requests for modifications pursuant to subsection (c) above shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall ~~make a recommendation to the planning commission to~~ approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

*(e) Appeals.* ~~In the event the planning director disapproves of the items specified in section 24-525 (d) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.~~

~~(f) No minimum lot size or yard requirements.~~ Except for required setbacks specified in (a) and (b) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District other than as specified in approved final plans.

~~(g) Uses prohibited.~~ Setbacks shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback.

(Ord. No. 31A-141, 5-4-92)

#### **Sec. 24-52~~8~~8. Street improvements.**

(a) All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan.

(b) Private streets may be permitted upon the approval of the board of supervisors *in accordance with the provisions of Sec. 24-62.* ~~and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.~~

~~(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the development plan~~

will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the development plan.

~~(d) The uniqueness of each proposal for a mixed use development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the planning commission finds that such specifications are not required in the interests of the residents and property owners of the mixed use development and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the mixed use development or because of the large area of the mixed use development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur with the area of the master plan;~~
- ~~(4) That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(5) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.~~

(Ord. No. 31A-205, 5-8-01)

**Secs. 24-529 - 24-534. Reserved.**

**Chapter 24**  
**ARTICLE V. DISTRICTS**  
**DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS**

**Sec. 24-482. Statement of intent.**

The purpose of the planned unit development district is to promote efficient use of land, allow flexible application of development controls, allow various densities and land uses, protect surrounding property and protect the natural features and scenic beauty of the land. This shall be accomplished by permitting a wider range of densities and uses to be developed in accordance with a master plan which allows for clustering of uses or densities in various areas of the site.

**Sec. 24-483. Designation of zoning district.**

Planned unit development districts shall be categorized as either residential (PUD-R) or commercial (PUD-C), and upon approval of the master plan by the board of supervisors, this designation shall be the zoning district of the parcel.

**Sec. 24-484. Documents required for submission.**

(a) *Required documents.* The applicant shall submit ~~documents in accordance with section 24-23 of the zoning ordinance~~ the following documents to the zoning administrator ~~planning director~~ for submission to the planning commission ~~prior to planning commission consideration of any rezoning or special use permit application:~~

~~(1) Application for rezoning.~~

~~(2) Master plan, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.~~

~~(3) Community impact statement, for any planned unit development containing 50 or more acres or comprising 200 or more dwelling units, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.~~

(b) *Master plan.* The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. It shall include:

~~(1) An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivisions or major landmarks.~~

~~(2) A north arrow.~~

~~(3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.~~

(4) The approximate boundaries of each section, land use or density, the approximate location of proposed streets and right-of-ways with an indication of whether public or private; the approximate location of recreation areas and common open space areas; and all areas proposed for dedication to public use within the project. Common open space shall be located so as to enhance the living environment of the proposed development. Generally this shall mean that the common open space shall be distributed throughout the site in moderate-sized, concentrated, contiguous areas and not aggregated in large areas that provide little or no benefit to the individual uses or the development at large.

Each section or area of the master plan shall be designated as follows:

<i>Area Designations</i>	<i>Type of Development</i>
A	Single family
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units
D	Attached structures of three or more stories and containing more than four dwelling units
E	Commercial uses
F	Wholesale and warehouse uses
G	Office uses
H	Light industrial uses
I	Institutional or public uses
J	Areas of common open space, with recreation areas noted

For purposes of this article, the term "common open space area" shall refer to any tract of land intended to be used in common primarily by residents of the planned unit development.

(5) As marginal data it shall contain a table which shows, for each section or area of different uses, the following:

a. The use;

b. Approximate development phasing;

c. Maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and

d. Maximum acreage of each use.

(6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.

(7) A statement satisfactory to the county attorney on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets, and other privately owned but common facilities serving the project.

(e) *Community impact statement.* The community impact statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:

(1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made

of sewer, water, schools, fire stations and other major locally financed facilities.

(2) Additional on-site and off-site public facilities or services which would be required as a result of the development.

(3) A traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. Such study shall address projected traffic generation, internal and external traffic, turning movements and distribution at each access point, traffic distribution, capacity of surrounding roads, and road and access improvements.

(4) Fiscal impact of the proposed project, such as estimated revenues to be generated versus the cost of public improvements to be financed by the county or the state. Such study shall be prepared by an individual or firm qualified to conduct a fiscal impact analysis in a manner and form acceptable to the planning director.

(5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution.

(6) Employment opportunities to be generated by the development.

**Sec. 24-485. Master plan Administrative review fees.**

Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24-7.

**Sec. 24-486. Procedures.**

(a) *Report of the planning director.* The planning director may refer copies of the master plan and community impact statement to other local public officials for their comments. Within 30 working days of the receipt of the application and accompanying documents, the planning director shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. The application, master plan, community impact statement and report of the planning director shall be placed on the agenda of the planning commission at its next regularly scheduled meeting.

The report of the planning director shall include, but not necessarily be limited to, the following:

(1) Evaluation of the proposed density and uses at the site in relation to the county's Comprehensive Plan.

(2) Evaluation and recommended changes in the design of land use, circulation and densities shown on the master plan of the property.

(3) Impact of the proposal on surrounding property and the environment.

(4) Evaluation of the fiscal impacts of the proposal and the proposed financing of required improvements.

(5) Recommendations regarding the dedication of property or facilities for public use.

(6) Final recommendations regarding approval of the application and master plan or changes which are necessary.

~~(b) Consideration by the planning commission and board of supervisor. The procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13. The board of supervisors, if it approves the master plan, may impose conditions to such approval.~~

~~Upon approval of the master plan by the board of supervisors, the planned unit development district is deemed established. Thereafter, all amendments to the master plan shall be in accord with section 24-13 of this chapter. The master plan shall guide the general location of all features shown therein, including land uses, densities, roads, public uses and other features. Approved final plans, provided for in section 24-487, shall supersede the master plan and schematic plans. The zoning administrator shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, shown on the final plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.~~

~~**Sec. 24-487. Relationship of final plans to master plan.**~~

~~Following the establishment of a planned unit development district and approval of the board of supervisors of a master plan, the applicant may furnish to the planning commission seven copies of a final plan of any part or section of the community shown on the master plan. The term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with article III of this chapter or the county's subdivision ordinance. The final plans shall be consistent with the master plan as approved, but may alter to any degree which the planning commission believes does not alter the basic concept or character of the development. The planning commission may make this determination using conceptual preliminary plans. If the variations are approved at the conceptual preliminary plan level, final plans shall be consistent with the variations approved by the planning commission.~~

~~**Sec. 24-488. Final plans Contents.**~~

~~Where land is to be subdivided within the district, the final plan shall comply with the county's subdivision ordinance. Where land is not to be subdivided within the district, final plans shall comply with article III of this chapter. All final plans shall show the different types of open areas and other public or community amenities, and proposed use of all buildings and of all areas dedicated for public or private common use.~~

~~**Sec. 24-489. Same Administrative review fee.**~~

~~Submittals of a site plan or preliminary subdivision plat implementing any portion of an approved master plan shall be accompanied by a fee in accord with section 24-7 or section 19-15.~~

~~**Sec. 24-490. Same Action.**~~

~~Final plans submitted pursuant to section 24-487 shall be approved or disapproved in accordance with article III of this chapter or in accordance with the county's subdivision ordinance.~~

**Sec. 24-485. Adequacy of public facilities and roads.**

**Planned unit development districts shall be so located and developed so that they will not exceed the capacity of the adjacent roads which will serve the property or the capacity of public water and sewer**

systems in the event connections to one or both are proposed, unless the applicant shall dedicate right-of-way, contribute to the construction of new facilities or create such facilities to the extent their share of, such as the percentage of their land developed and so served. The rate of development shall not exceed the rate of construction and increasing capacity of the limiting facility.

**Sec. 24-48691. Minimum area of districts.**

Planned unit development districts shall be located on a single parcel of land or separate but contiguous parcels which are under one ownership or control and which shall total ~~not less than~~ five acres **or more**.

**Sec. 24-48795. Addition of land to an existing planned unit development.**

Additional land area may be added to an existing planned unit development if it is adjacent to ~~(except for public roads)~~, forms a logical addition to and if the addition will come under common ownership or control as the original parcel. The procedure for an addition shall be the same as if an original application were filed, and the requirements of this article shall apply, except the minimum acreage requirement.

**Sec. 24-48892. Density.**

~~(a) The gross density of the net developable area of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwelling units per acre. The number of dwelling units which may be constructed in any area designation shall be determined by the number of net developable acres at the site and the use proposed. The net developable acres shall equal the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient. The number of units which may be constructed are:~~  
**The maximum densities of dwelling units per acre which may be constructed are:**

<i>Area Designation</i>	<i>Dwelling Type</i>	<i>Maximum Base density (dwelling units per acre)</i>	<i>Maximum gross density with density bonus (see table under section 24-488(c))</i>
A	Single family	2.4	4
B	<del>Multi-family Attached structures containing two up to and including four dwelling units, or townhouses</del>	5.96	10
C	<del>Multi-family Attached structures less than three stories and containing more than four dwelling units</del>	6.12	12
D	<del>Apartments Attached structures of three stories or more and containing more than four dwelling units</del>	9.18	18

~~(b) For the purposes of calculating density, gross acreage shall equal the total area of the parcel when less than 25% of the total site area is non-developable. For parcels where more than 25% of the total site area is non-developable, the gross acreage shall equal the total developable area of the parcel plus 25% of the total parcel acreage.~~

(c) In addition to the base density standards shown above, a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus Increase from Base Density	Required Density Bonus Items from List Below
Up to base density	0
33% above base density	2
66% above the base density	4
100% above the base density	6

Density Bonus Item Options	
<b>A.</b>	<p>Retention of one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5% of the developable area of the site.</p> <ul style="list-style-type: none"> <li>• <u>100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer</u></li> <li>• <u>Retention of soils in hydrologic groups A and B (retain at least 50% of these soils)</u></li> <li>• <u>Preservation of a Conservation Area as identified by an approved watershed management plan</u></li> <li>• <u>Preservation of wildlife habitat corridors that:</u>  <u>Protect a corridor at least 100 feet in width from one protected area (on or off the PUD property) to another protected area</u></li> </ul>
<b>B.</b>	Commitment to either undertake or fund a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the Engineering and Resource Protection Division
<b>C.</b>	Design of a stormwater management plan that uses Better Site Design/Low Impact Development Techniques to meet the majority of applicable Chesapeake Bay Preservation Ordinance standards and requirements, as approved by the Engineering and Resource Protection Division
<b>D.</b>	100 foot buffer from the internal edge of a right-of-way and/or perimeter buffer (must constitute at least 5% of the developable area of the site)
<b>E.</b>	Commitment to achieve green building certification beyond the basic certified level using EarthCraft, LEED or equivalent program, in accordance with the County's Green Building for Private Development

	<i>Policy</i>
<i>F.</i>	<i>Commitment to provision or affordable/workforce housing that applies to 10% more of the proposed units than would result from application of the County's Affordable and Workforce Housing Policy (This provision may be used for more than one density bonus increment)</i>
<i>G.</i>	<i>Dedication to the County of a public use site, the developable portion of which is suitable for a public facility, as determined by the County Administrator or designee</i>
<i>H.</i>	<i>Commitment to construct a greenway trail and dedicate a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as is approved by the Director of Parks and Recreation or designee</i>
<i>I.</i>	<i>Development of binding design guidelines for Planning Director approval that include architectural and design standards above and beyond standard practice. Examples include, but are not limited to, rear or side loading garages; style type, materials, height and setback variation; and unit design accessible to the disabled.</i>
<i>J.</i>	<i>Use of an infill site (80% of the property's boundaries about previously developed land)</i>
<i>K.</i>	<i>Preservation and rehabilitation of an on-site structure identified in the County's Architectural survey (structure may be re-used as a community clubhouse, private residence with appropriate deed restrictions, etc.) If the proposed cluster is within a designated Community Character Area, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.</i>
<i>L.</i>	<i>Preservation of at least two contiguous acres of healthy, mature, native forestland</i>
<i>M.</i>	<i>Retention of at least five contiguous acres of agricultural land of prime or statewide importance</i>
<i>N.</i>	<i>Provision of a WATA bus stop that would be within 1,300 feet of 85% of the proposed units, if determined by WATA to be at an appropriate location</i>
<i>O.</i>	<i>Construction of shared vehicular access between properties (where more than one property owner is involved, evidence of a binding legal agreement between the parties should be provided at the master plan stage to qualify for this density bonus)</i>

**Sec. 24-493. Adequacy of public facilities and roads.**

Planned unit development districts shall be so located and developed that they will not exceed the capacity of the adjacent roads which will serve the property or the capacity of public sewer and water systems in the event connections to them are proposed, unless the applicant shall dedicate right of way, contribute to the construction of new facilities or create such facilities to the extent of his fair share of such as the percentage of his land developed and so served. The rate of development shall not exceed the rate of construction and increasing capacity of the limiting facility. Relocated to directly after submittal requirements.

**Sec. 24-48994. Open space.**

(a) Thirty-five percent of the gross area of any planned unit development district shall be retained in open space. This may include common open areas, perimeter open space, buffers between various uses or densities, public open space, recreation areas, easements, areas of excessive slopes, low lying areas, marshes or historic sites or other features which will enhance the value of the site, reduce adverse impacts and otherwise be an asset to the community. For the purposes of this article, the term "open space" shall exclude open space in the private yards of individual dwelling units.

(b) Common open space areas shall be protected by assurances, satisfactory to the county attorney, that set forth the provisions made for the permanent care and maintenance of such property. Easements or covenants shall establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements or covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.

**Sec. 24-4906. Height and spacing of structures.**

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.

(b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers or other accessory functions, and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structure will not impair property values in the surrounding area;
- (5) Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is

reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure would not be contrary to the public health, safety or general welfare.

**Sec. 24-4917. Requirements for improvements and design.**

(a) *Water and sewer.* Except as set forth herein, all structures and uses within a planned unit development district shall be served by public water and public sewerage systems. Extensions and expansions of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency. Nonresidential structures and uses may be permitted to temporarily operate on individual well and septic systems provided the following conditions are met:

(1) The structure or use shall not be within the minimum connection distance for public utilities as determined by the James City Service Authority;

(2) Individual wells shall be approved by the health department and the *planning director* director of code compliance prior to preliminary site plan approval;

(3) Individual septic tank systems shall be approved by the health department prior to preliminary site plan approval;

*(4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of code compliance. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and*

*(5) No more than one structure served by an individual well and septic system shall be permitted at one time within a Planned Community.*

~~(4) The structure or use shall connect to public utilities within thirty days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority;~~

~~(5) Extensions and/or expansions of public water and/or sewer to serve the structure or use are being planned or constructed by the developer or the appropriate public agency. Such extensions and/or expansions shall be within the minimum connection distance for public utilities as determined by the James City Service Authority. If such extensions and/or expansions are being planned and constructed by the developer, their construction shall be guaranteed by surety, letter of credit, cash escrow or other form of guaranty approved by the county attorney;~~

~~(6) The fire marshal of James City County shall determine that there is adequate fire protection for the proposed structure or use; and~~

~~(7) The foregoing notwithstanding, the structure or use shall connect to public utilities within three years from the date of final site plan approval.~~

(b) *Recreation areas.* Areas on the master plan designated as A (single-family detached), B (*multi-family* Attached structures containing two up to four dwelling units), C (*multi-family* Attached structures less

than three stories and containing more than four dwelling units) or D (~~apartments attached structures of three or more stories~~) shall be provided with a recreation area or areas. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities prior to the issuance of certificates of occupancy. Such facilities shall be owned and maintained by the developer or a residents' association.

~~(e) Parking. Off street parking facilities shall be provided in accordance with the off street parking requirements of section 24-53.~~

~~(d) Street. All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the requirements of the county subdivision ordinance, regulations, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director. Private streets may be permitted upon the approval of the board of supervisors in accordance with the provisions of Sec 24-62.~~

~~(e) Fire hydrants. Fire hydrants shall be at locations and of types approved by the service authority and county fire chief. No structure within the district shall generally be further than 400 feet from a hydrant.~~

~~(f) Streetlights. Streetlights shall generally be provided at each intersection and adequately spaced in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development. No lighting fixture shall exceed a height of 15 feet within residential areas of a planned unit development district nor 30 feet in commercial or industrial areas.~~

~~(g) Drainage facilities. Facilities for the adequate control of stormwater drainage and erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Transportation Drainage Manual.~~

~~(h) Natural features and amenities. Existing features which would add value to the residential development or to the county as a whole, such as trees, watercourses, historical sites and similar irreplaceable assets, shall be preserved to the maximum extent possible.~~

~~(i) Signs. To assure an appearance and condition which is consistent with the purposes of the planned unit development district, outdoor signs or the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter, except that unique signing systems may be approved by the planning director commission where such sign systems contribute significantly to the character of the planned community. However, in no case shall the signs square foot size exceed the maximum allowed in article II, division 3 of this chapter.~~

#### **Sec. 24-4928. Setback requirements and yard regulations.**

(a) *Peripheral setbacks.* Any planned unit development, PUD, district approved under this article, shall adhere to the following setback requirements:

(1) Residential.

a. *Perimeter setbacks.* For residential uses a minimum landscape setback of 50 feet shall be maintained from all property lines adjoining a different zoning district which abut the site. Where attached structures in a PUD-R District adjoin an existing R-1, R-2 or R-6 District, or an A-1 or R-8 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum setback shall be 75 feet.

b. *Right-of-way buffer setbacks.* For residential uses, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:

1. The minimum right-of-way buffer on external Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.

2. The minimum right-of-way buffer on all external non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.

3. ~~If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.~~ *The buffer shall be planted in accordance with Section 24-XX, General landscape area standards, and buffers along Community Character Corridor roads shall also adhere to the Community Character Corridor Buffer Designation Map and Buffer Treatment Guidelines.*

(c) *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning ~~director~~ *commission* may reduce the buffer depth requirements *specified in (a) and (b)* of this section for residential developments when:

- (1) The development is less than ~~five~~ *ten* acres and a majority of the development's units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning ~~director~~ *commission* may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) *Modifications to the landscape requirements.* The planning ~~director~~ *commission* may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) *Requirements for buffers.* All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any

buffer, except that temporary soil stockpiles may be allowed upon approval by the planning **director** ~~commission~~ under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.
- (6) *Stockpiling shall conform with any applicable requirements of the Virginia Erosion and Sediment Control regulations, the Virginia Erosion and Sediment Control Handbook and County Erosion and Sediment Control program policies.*

(f) *Limitations on buffers.* ~~Wet ponds, dry detention basins, and other s~~ Structural BMPs *such as wet and dry ponds* shall not generally be permitted in the buffers, except that the planning **director** ~~commission~~ may approve them under the following circumstances:

- (1) The need is necessitated by site conditions rather than economic factors; and
- (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) *Improvements allowable within buffers.* An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning **director** ~~commission~~. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the ~~recommendation of the environmental director and the~~ approval of the planning **director** ~~commission~~.

(h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning **director** ~~commission~~.

(i) *Appeals.* *In the event the planning director disapproves of the items specified in (c), (e), (f), (g), and (h) above or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the Planning Commission.*

(2) *Commercial.* For commercial uses a minimum landscape setback of 75 feet shall be maintained from all property lines adjoining a different zoning district which abut the site and/or existing or planned public roads or properties that are peripheral to the planned unit development district.

(3) *Industrial, public or institutional uses.* For industrial, public or institutional uses a minimum landscaped setback of 100 feet shall be maintained from all property lines adjoining a different zoning district which abut the site and/or existing or planned public roads or properties that are peripheral to the planned unit development district. Where industrial structures adjoin an existing residentially zoned district or an A-1 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum landscaped setback shall be increased to 125 feet.

(b) *Internal setback requirements for industrial uses.* A minimum setback of 50 feet shall be required from streets which are internal to the site for any industrial structure.

(c) *Yard regulations.* Except for setbacks specified in section 24-498 (a) and (b) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a planned unit development district other than as specified in approved final plans.

(d) *Parking restrictions in setbacks.* Landscape setbacks shall not be used for streets or for parking except for entrances which may penetrate the setback.

**Sec. 24-499. Permitted uses.**

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Apartments	P	
	<i>Home care facilities</i>	P	
	<i>Home occupation, as defined</i>	P	
	Multiple-family up to and including four dwellings	P	
	<i>Multi-family more than four dwellings</i>	P	
	Single-family dwellings	P	
	Nursing homes and facilities for the residence and/or care of the aged	P	
	<del>Townhouses</del>	P	
	<del>Two family dwellings</del>	P	
Commercial Uses	Accessory buildings and structures, as defined	P	
	Automobile service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional offices	P	
	Coin laundries which are accessory to other residential uses and for the primary use of their residents	P	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Funeral homes	P	
	Golf courses, country clubs	P	

	Hotels, motels, and resort facilities	P	
	Indoor theaters	P	
	Marinas, docks, piers, <i>yacht clubs</i> , boat basins and waterfront activities, <i>boat storage and servicing, repair and sale facilities for the same</i> ; if fuel is sold, then in accordance with section 24-38	P	
	Medical clinics or offices	P	
	Museums	P	
	Off-street parking as required by section 24-53	P	
	Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops	P	
	Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building	P	
	Restaurants, tea rooms and taverns	P	
	Restaurants which are accessory to permitted private clubs and marinas	P	
	Retail shops associated with community recreation facilities	P	
	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Retail food stores, bakeries and fish markets	P	
	<i>Veterinary hospitals</i>	P	
	<i>Wineries</i>	P	
Civic	Fire stations	P	
	<del>Houses of worship</del>	<del>P</del>	
	Libraries	P	
	<i>Places of public assembly, such as public meeting halls, houses of worship, lodges and fraternal organizations</i>	<i>P</i>	
	Public meeting halls	P	
	Post offices	P	
	Schools	P	
Utility	Public utilities	P	
	Radio and television stations	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless		SUP

	<b>Communication Facilities</b>		
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:  (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (a) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering in accordance with section 24-43	P	

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential	<del>Apartments, townhomes and condominiums</del>	P	
	<del>Multi-family dwellings</del>	P	
Commercial Uses	Commercial Uses as listed in (a) above		
	Theme parks	P	
	Golf courses	P	
Industrial Uses	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-55	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	
Utility	Utility Uses as listed in (a) above		

(1) Residential uses:

~~Accessory buildings or structures, as defined.~~

~~Apartments.~~

~~Coin laundries which are accessory to other residential uses and for the primary use of their residents.~~

~~Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.~~

~~Fire stations.~~

~~Golf courses, country clubs.~~

~~Houses of worship.~~

~~Marinas, docks piers, boat basins and waterfront activities; if fuel is sold, then in accordance with section 24-38.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

~~Off street parking as required by section 24-53.~~

~~Restaurants which are accessory to permitted private clubs and marinas.~~

~~Retail shops associated with community recreation facilities.~~

~~Schools.~~

~~Single family dwellings.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Townhouses.~~

~~Two family dwellings.~~

~~(2) Commercial uses:~~

~~Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items; if fuel is sold, then in accordance with section 24-38.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business and professional offices.~~

~~Drug stores.~~

~~Dry cleaners and laundries.~~

~~Fire stations.~~

~~Funeral homes.~~

~~Houses of worship.~~

~~Indoor theaters.~~

~~Libraries.~~

~~Medical clinics or offices.~~

~~Motels, hotels and resort facilities.~~

~~Museums.~~

~~Photography studios and sales, artist and sculptor studios, arts and crafts and handcraft shops, antique shops, reproduction and gift shops.~~

~~Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building.~~

~~Post offices.~~

~~Public meeting halls.~~

~~Public utilities.~~

~~Radio and television stations.~~

~~Restaurants, tea rooms and taverns.~~

~~Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.~~

~~Retail food stores, bakeries, fish markets.~~

~~Schools.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

~~(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:~~

~~(1) Commercial uses: Same as paragraph (2) of subsection (a) above.~~

~~(2) Light industrial uses:~~

~~Printing and publishing.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.~~

~~Research, design and development facilities or laboratories.~~

~~Wholesale and warehousing, with storage in a fully enclosed building.~~

~~(3) Theme parks.~~

~~(4) Apartments, townhouses and condominiums.~~

~~(5) Private streets within "qualifying industrial parks" in accordance with section 24-55.~~

~~(6) Golf courses.~~

~~(c) In the planned unit development district, residential (PUD-R) or commercial (PUD-C), all structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.~~

~~(1) Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.~~

~~(2) Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.~~

~~a. Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~

~~b. Distribution lines and local facilities within a development, including pump stations.~~

~~Sec. 24-494500. Access points.~~

All commercial and light industrial areas within the district shall have safe and convenient access onto a collector street or major thoroughfare. Turning lanes of sufficient length may be required to be built and dedicated by the developer.

**Sec. 24-49501. Requirements for commercial uses in the PUD-R District.**

If commercial uses specified in section 24-499(a)(2) are included within the district, they shall be located in well-planned commercial areas and so designated on the master plan. In a PUD-R, the commercial area or areas with accompanying parking shall not exceed a total of 30 percent of the gross area of the district. The size and scale of commercial uses shall be compatible with surrounding residential areas.

**Sec. 24-49602. Requirements for light industrial uses in the PUD-C District.**

If light industrial uses specified in section 24-499(b)(2) above are included within the district, they shall be located in well planned light industrial areas and so designated on the master plan. All light industrial activities shall be of a nature and so conducted that the effects of noise, dust, light or odor shall not extend beyond the limits of the light industrial area of the district.

**Secs. 24-503 - 24-513. Reserved.**

**Chapter 24**  
**ARTICLE V. DISTRICTS**  
**DIVISION 5. RESIDENTIAL PLANNED COMMUNITY**  
**DISTRICT, R-4**

**Sec. 24-274. Statement of intent.**

This district is intended to permit development, in accordance with a master plan, of large, cluster-type communities in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving large areas permanently open. Within such communities, the location of all improvements shall permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area, the least disturbance to natural features and to implement the policies and designations of the Comprehensive Plan. A planned residential district may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted.

(Ord. No. 31A-88, 20-66, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-275. Residential planned community defined.**

For purposes of this article, a residential planned community shall be a large, planned development consisting of 400 acres or more under a single ownership or control. The residential planned community is predominated by residential land uses and open space, but also contains such uses as recreation centers, fire stations, schools and retail establishments which make the residential planned community largely self-sufficient. An important feature of the residential planned community is its emphasis on site planning and the retention of large, open areas.

(Ord. No. 31A-88, 20-66.1, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-276. Documents required for submission.**

(a) *Generally.* The applicant shall submit *documents in accordance with section 24-23 of the zoning ordinance* ~~the following documents~~ to the planning director for submission to the planning commission *prior to any rezoning or special use permit application:*

~~(1) Application for rezoning.~~

~~(2) Master plan, 30 copies, ten submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for planning commission review.~~

~~(3) Community impact statement, 30 copies, ten submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for planning commission review.~~

The purpose of the master plan and community impact statement is to set an overall population and development ceiling for the Planned Community, to determine off-site impacts of the development and to identify the general arrangement of internal land uses.

(b) *Master plan.* ~~The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 36 inches by 48 inches. It shall include:~~

~~(1) An inset map at a scale of not less than one inch to one mile (1" = 1 mile), showing the property in relation to surrounding roads, subdivisions or major landmarks.~~

~~(2) A north arrow.~~

~~(3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.~~

~~(4) The approximate boundaries of each section, land use or density, a general circulation plan with an indication of whether streets are to be public or private, and the approximate location of recreation areas, sidewalks and other pedestrian access ways, common open space areas, public facilities and areas proposed for dedication to public use within the project. Each residential section of the master plan shall be designated according to the following categories:~~

Area Designation

Dwelling Type

A	Single-family
B	<del>Multi-family Attached structures containing two <sup>units</sup> up to and including</del> four dwelling units
C	<del>Multi-family Attached structures less than three stories and containing more than four dwelling units</del>
D	<del>Apartments Attached structures of three or more stories and containing more than four dwelling units</del>

The above designation shall be the highest and densest use to which such land may be put without amending the master plan. However, where the planning ~~director~~ ~~commission~~ finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under section 24-27985, the planning ~~director~~ ~~commission~~ may approve final plans for projects with lower densities or a lower category of uses than those shown on the master plan without amending the master plan. Common open space shall be located in a usable way and located so as to enhance the living environment of the residential planned community. Generally this shall mean that the common open space shall be distributed throughout the community and not aggregated in large areas that provide little or no benefit to the individual uses or the community at large.

(5) As marginal data it shall contain a table which shows, for each section or area of different uses, the use, approximate phasing, maximum number of dwelling units and density for residential areas, square feet of floor space for commercial areas, and their acreage.

(6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.

(7) A statement on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets and other privately owned but common facilities serving the project.

~~(c) Community impact statement. The community impact statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:~~

~~(1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities;~~

~~(2) Additional on site and off site public facilities or services which would be required as a result of the development;~~

~~(3) A traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. Such study shall address projected traffic generation; internal and external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements;~~

~~(4) Fiscal impact of the proposed development, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the county or the state. Such study shall be prepared by an individual or firm qualified to conduct a fiscal impact analysis in a manner and form acceptable to the planning director;~~

~~(5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution; and~~

~~(6) Employment opportunities to be generated by the development.~~

~~(Ord. No. 31A-88, 20-67, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-118, 2-5-90; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92)~~

**~~Sec. 24-277. Administrative review fees.~~**

~~Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24-7.~~

~~(Ord. No. 31A-88, 20-67.1, 4-8-85)~~

**~~Sec. 24-278. Approval of master plan; relationship to final plans; amendments.~~**

~~(a) The procedures for approval of a master plan shall be as specified in the procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13.~~

~~(b) The residential planned community shall be established upon approval of the master plan by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13. Approved final plans, provided for in section 24-279, shall supersede the master plan and schematic plans. The zoning administrator shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public~~

~~water and public sewer facilities, shown on the final plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the county attorney.~~

~~(Ord. No. 31A 88, 20 69, 4 8 85; Ord. No. 31A 92, 12 2 85; Ord. No. 31A 142, 5 4 92; Ord. No. 31A 145, 7 6 92)24 5 5 4~~

~~**Sec. 24 279. Final plans Submission; contents generally; variations from approved master plan.**~~

~~The term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with article III of this chapter or with the county's Subdivision Ordinance, whichever is applicable. The final plans shall be consistent with the master plan as approved, but may vary to any degree which the planning commission believes does not vary the basic concept or character of the development.~~

~~(Ord. No. 31A 88, 20 70, 4 8 85; Ord. No. 31A 112, 2 6 89; Ord. No. 31A 142, 5 4 92)~~

~~**Sec. 24 280. Same Administrative review fee.**~~

~~Submittals of a site plan or preliminary subdivision plat to implement any portion of an approved master plan shall be accompanied by a fee in accord with section 24 7 or section 19 15.~~

~~(Ord. No. 31A 88, 20 70.1, 4 8 85; Ord. No. 31A 130, 5 6 91)~~

~~**Sec. 24 281. Same Contents; proposed deed of easement.**~~

~~(a) Where land is to be subdivided within the district, the final plan shall comply with the county's subdivision ordinance. Where land is not to be subdivided within the district, final plans shall comply with article III of this chapter. All final plans shall show the different types of open areas and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.~~

~~(b) The applicant shall furnish with a final plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas.~~

~~(c) Easements and covenants shall clearly establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements/covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.~~

~~(d) Lot sizes and setback lines shall be shown on final plans.~~

~~(Ord. No. 31A 88, 20 71, 4 8 85)~~

~~**Sec. 24 282. Same Action.**~~

~~Final plans submitted pursuant to section 24 279 shall be approved or disapproved in accordance with article III of this chapter or accordance with the county subdivision ordinance.~~

~~(Ord. No. 31A 88, 20 72, 4 8 85)~~

**Sec. 24-27783. Addition of land to existing community.**

(a) Additional land area may be added to an existing residential planned community if it is adjacent ~~(except for public roads)~~ and forms a logical addition to the existing residential planned community and if it is under the same ownership or control.

(b) The procedure for an addition shall be the same as if an original application were filed and all of the requirements of this article shall apply, except the minimum acreage requirement of 400 acres.

(Ord. No. 31A-88, 20-75, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-27884. Permitted density overall.**

(a) The gross density of the total area of the planned residential community shall not exceed two dwelling units per acre.

(b) Calculating gross density. For the purposes of calculating density, gross acreage shall equal the total area of the parcel when less than 25% of the total site area is non-developable. For parcels where more than 25% of the total site area is non-developable, the gross acreage shall equal the total developable area of the parcel plus 25% of the total parcel acreage. ~~For the purpose of calculating gross density, gross acreage shall equal the sum of the total developable area and up to 35 percent of the total area as calculated below:~~

<u>Gross Acreage</u>	
<u>Percentage of Nondevelopable Area</u>	<u>Gross Acreage</u>
Less than 35%	Total area of parcel
More than 35%	Developable land plus up to 35% of the parcel's land

~~(c) Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient.~~

(Ord. No. 31A-88, 20-76, 4-8-85; Ord. No. 31A-102, 6-1-87; Ord. No. 31A-113, 4-3-89; Ord. No. 31A-142, 5-4-92)

**Sec. 24-27985. Permitted density within residential areas.**

The master plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Gross Density (Dwelling Units Per Acre)</u>
A	Single-family	4
B	<del>Multi-family Attached structures</del> containing two up to and including four dwelling units	9.6

C	<del>Multi-family Attached structures less than three stories and containing more than four dwelling units</del>	12
D	<del>Apartments Attached structures of three or more stories and containing more than four dwelling units</del>	18

Units for sale in condominium may be in any of the dwelling types listed above and the number of dwelling units per acre shall be determined by the dwelling type.

(Ord. No. 31A-88, 20-77, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92)

**Sec. 24-2806. Open space requirements.**

(a) At least 40 percent of the total acreage of the residential planned community shall be designated as open space. Such open space may include parks, lakes, walkways, trails, playground and recreation facilities, sports facilities, nonresidential clubhouse grounds, and right-of-ways and surface easements for drainage and other utilities over areas not within the lines of any residential lot. Golf courses may also be counted as open space for the purpose of meeting this requirement to a maximum of 60 percent of the required open space.

(b) The required open space shall contain recreation open space in the amount of one acre or more per 350 dwelling units. For the purposes of this section, recreational open space shall mean parks, playgrounds, swimming pools, tennis courts or other similar recreational facilities serving residents of the approved planned community.

(Ord. No. 31A-88, 20-77.1, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-2807. Permitted uses.**

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Apartments	P	
	<del>Home occupations, as defined</del>	<del>P</del>	
	<del>Multi-family up to and including four dwelling units</del>	<del>P</del>	
	<del>Multi-family more than four dwelling units</del>	<del>P</del>	

Commercial Uses	Single family dwellings	P	
	Townhouses and condominiums	P	
	Two family dwellings	P	
	Accessory buildings or structures as defined	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	
	Dinner theaters	P	
	Dry cleaners	P	
	Funeral homes, cemeteries and memorial gardens	P	
	Home occupations as defined	P	
	Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields	P	
	Hospitals, <del>nursing homes and rest homes</del>	P	
	Hotels, motels, tourist homes and convention centers	P	
	Hunting clubs, conservation areas and preserves	P	
	Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters	P	
	Medical clinics and offices	P	
	<del>Nursing homes</del>	<del>P</del>	
	Off-street parking as required by section 24-53 of this chapter	P	
	Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas	P	
	Photographer, artist and sculptor studios	P	
	Property management facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, fast food restaurants, tea rooms and taverns	P	
Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38			

Civic	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Private clubs, civic or service clubs, lodges and fraternal organizations <i>or places of public assembly</i>	P	
	Houses of worship	P	
	Schools	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities		
Utility	Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit: (1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line; (2) Distribution lines and local facilities within a development; including pump stations.		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with section 24-43	P	

~~Accessory buildings or structures, as defined.~~

~~Apartments.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24 38.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, professional and governmental offices.~~

~~Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handiercrafts, antiques, gift and photography stores.~~

~~Dinner theaters.~~

~~Dry cleaners and laundries.~~

~~Funeral homes, cemeteries and memorial gardens.~~

~~Home occupations as defined.~~

~~Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.~~

~~Hospitals, nursing homes and rest homes.~~

~~Hotels, motels, tourist homes and convention centers.~~

~~Houses of worship.~~

~~Hunting clubs, conservation areas and preserves.~~

~~Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive in theaters.~~

~~Medical clinics and offices.~~

~~Off street parking as required by section 24 53 of this chapter.~~

~~Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas.~~

~~Photographer, artist and sculptor studios.~~

~~Private clubs, civic or service clubs, lodges and fraternal organizations.~~

~~Property maintenance facilities, sheds or garages.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement.  
Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Restaurants, fast food restaurants, tea rooms and taverns.~~

~~Retail food stores, bakeries and fish markets.~~

~~Schools, libraries, fire stations and post offices.~~

~~Single family dwellings.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Townhouses and condominiums.~~

~~Two family dwellings.~~

~~Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet with a special use permit.~~

~~Water impoundments, new or expansion of, less than 50 acres and dam heights of less than 25 feet.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

~~Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38.~~

All uses are subject to the limitations hereinafter provided.

(Ord. No. 31A-88, 20-78, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98)

#### **Sec. 24-28~~28~~. Limitations.**

(a) Commercial uses shall be located in well-designed commercial areas of the residential planned community and shall be shown on the master plan and on pertinent final plans.

(b) Not more than 20 percent of the total area shall be devoted to commercial uses in the residential planned community and such commercial uses are to be limited to the areas designated on the master plan and on pertinent final plans.

(c) Uses in a residential planned community shall be permissible only in the general location shown on the approved master plan as previously set forth.

(Ord. No. 31A-88, 20-79, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-2839. Utilities.**

(a) All development within the R-4 District shall be served by publicly owned and operated water and sewer systems,

(b) Extensions and expansions of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency.

(c) Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:

(1) The structure shall not be within the minimum connection distance for public utilities as determined by the James City Service Authority;

(2) Individual wells shall be approved by the health department and the ~~director of code compliance~~ *planning director* prior to preliminary site plan approval;

(3) Individual septic tank systems shall be approved by the health department prior to preliminary site plan approval;

(4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of code compliance. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and

(5) No more than one structure served by an individual well and septic system shall be permitted at one time within a Planned Community.

~~(d) Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:~~

~~(1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~

~~(2) Distribution lines and local facilities within a development, including pump stations.~~

(Ord. No. 31A-88, 20-80.1, 4-8-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-216, 2-22-05)

**Sec. 24-2840. Street improvements.**

(a) All dedicated public streets shown on the ~~final~~ development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county

subdivision ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan.

~~(b) Private streets may be permitted in accordance with the provisions of Sec. 24-63, upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of code compliance.~~

~~(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the final plan.~~

~~(d) The uniqueness of each proposal for a residential planned community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, gutters, sidewalks, street lights and storm water drainage be subject to modification from the specifications established in Chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the planning commission finds that such specifications are not required in the interests of the residents of the residential planned community and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the residential planned community or because of the large area of the residential planned community within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the master plan;~~
- ~~(4) That any waiver or modification as to sidewalks in AB@, AC@, AD@, or AE@ density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.~~
- ~~(5) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(6) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.~~

(Ord. No. 31A-88, 20-80.2, 4-8-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-142, 5-4-92)

**~~Sec. 24-291. Effect of other provisions of zoning and subdivision regulations on division.~~**

~~The provisions of this division shall not be limited by any provision of any other part of the county zoning or subdivision regulations inconsistent herewith.~~

~~(Ord. No. 31A-88, 20-80.3, 4-8-85; Ord. No. 31A-142, 5-4-92)~~

**Sec. 24-28692. Sign regulations.**

To assure an appearance and condition which is consistent with the purposes of the residential planned community district, R-4, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter, except that unique signing systems may be approved by the planning commission and the board of supervisors where such sign systems contribute significantly to the character of the residential planned community. However, in no case shall the sign's square foot size exceed the maximum allowed in article II, division 3 of this chapter. Home occupation signs shall not be permitted in the residential planned community district.

(Ord. No. 31A-88, 20-80.4, 4-8-85; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-142, 5-4-92)

**Sec. 24-28693. Height limits.**

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting, or other accessory functions, which are part of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. A structure in excess of 60 feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers or other accessory functions, and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- b. Such structure will not obstruct light from adjacent property;
- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

f. Such structure will not be contrary to the public health, safety and general welfare.

(Ord. No. 31A-89, 9-9-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

~~Sec. 24-294. Uses permitted by special use permit only.~~

~~Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities.~~

(Ord. No. 31A-219, 8-9-05)

**Secs. 24-295 - 24-303. Reserved.**

## **JAMES CITY COUNTY CONSTRUCTION PHASING GUIDELINES**

Construction within Mixed-Use development shall be sequenced in accordance with a project build-out schedule submitted for review as a part of the initial application, and approved by the board of supervisors. As a guideline, project proposals that adhere to the following sequencing requirements will be considered consistent with the objectives of the phasing plan:

- (1) Building permits for up to 10% of the residential units may be issued prior to commencing any commercial construction; and
- (2) Certificate of occupancy must be issued for at least 25% of the commercial square footage as shown on the master plan, prior to building permits being issued for any residential unit above 50% of the total proposed units as shown on the master plan; and
- (3) Prior to issuance of Building Permits for construction of the final 20% of the residential units, certificates of occupancy must be issued for at least 80% of the commercial square footage as shown on the master plan.